

CASE NO. 991-V-20

PRELIMINARY MEMORANDUM

November 24, 2020

Petitioners: **Kristen & James Enderle**

Request: **Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Zoning Ordinance.**

Subject Property: **A 6.91-acre tract in the Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of the Third Principal Meridian, in Sidney Township with an address of 1159 CR 2400E, St. Joseph.**

Site Area: **6.91 acres**

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

Prepared by: **Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

The Petitioners purchased the subject property in early 2020, and would like to add on to an existing shed and convert it into a residence. There are no other structures onsite. Per the Boundary Survey received from Berns, Clancy & Associates on November 12, 2020, the shed sits 12 feet 3 inches from the north property line. This exceeds the required 10 feet side yard for a detached accessory structure in the CR District, but is short of the 15 feet side yard minimum for a principal structure. A variance is needed so the petitioners can proceed with converting the shed.

The subject property is in the Special Flood Hazard Area, and has had flooding issues before. The petitioners have already raised the existing shed by four feet so that it will be above the Flood Protection Elevation. ZUPA #272-20-04FP for the proposed addition states that the petitioners have agreed to shorten the shed in order to conform to the 15 feet side yard requirement should the variance be denied.

No comments have been received for this case.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Vacant, proposed residential	CR Conservation-Recreation
North	Residential/Commercial	CR Conservation-Recreation
East	Residential	CR Conservation-Recreation
West	Residential	CR Conservation-Recreation
South	Residential	CR Conservation-Recreation

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 are not notified of such cases.

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

PROPOSED SPECIAL CONDITIONS

No special conditions are proposed at this time.

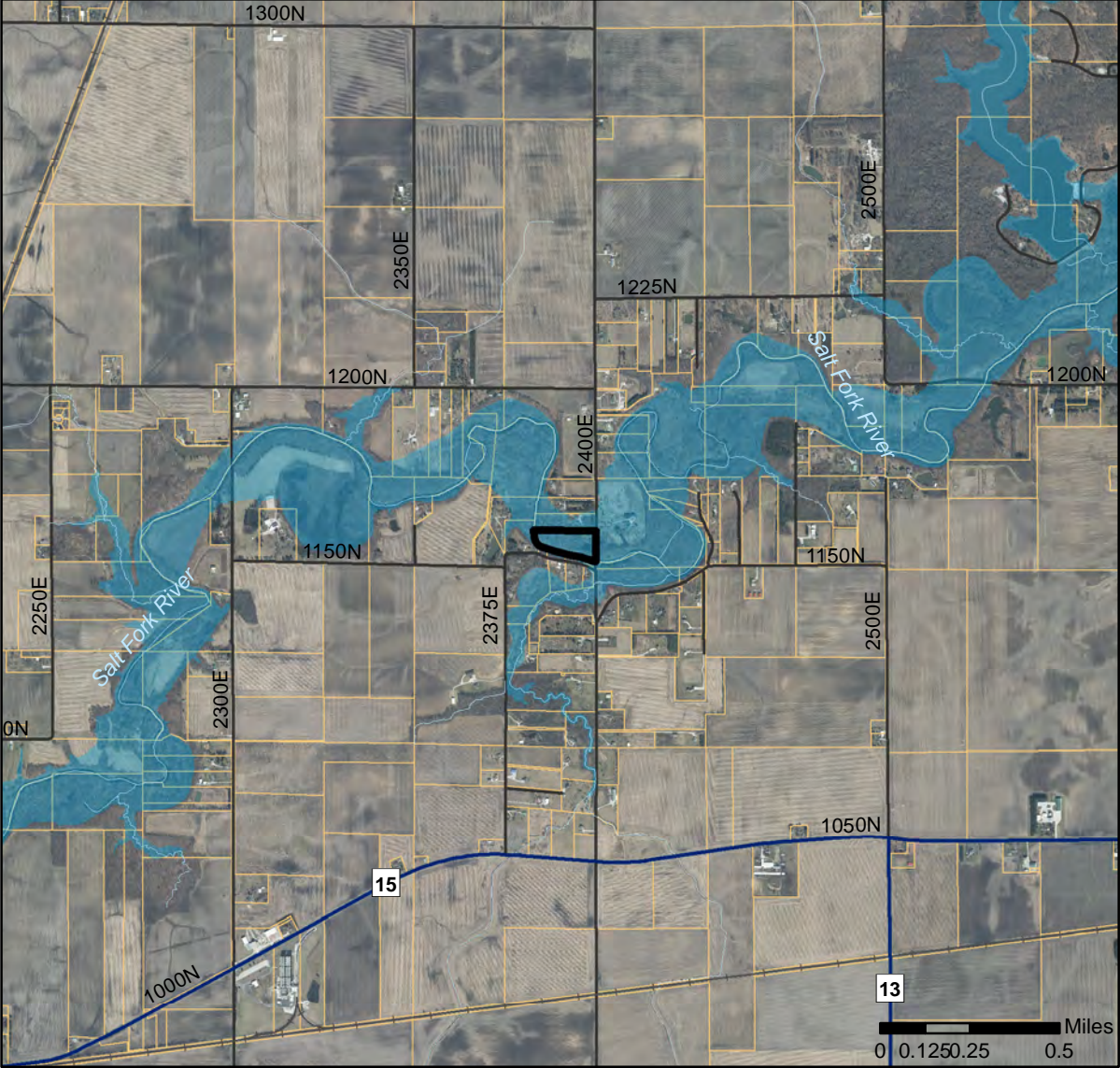
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan (two sheets):
 - Boundary Survey by Berns, Clancy and Associates received November 12, 2020
 - Proposed Floor Plan received September 28, 2020
- C Images of Subject Property taken November 6, 2020
- D Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 3, 2020

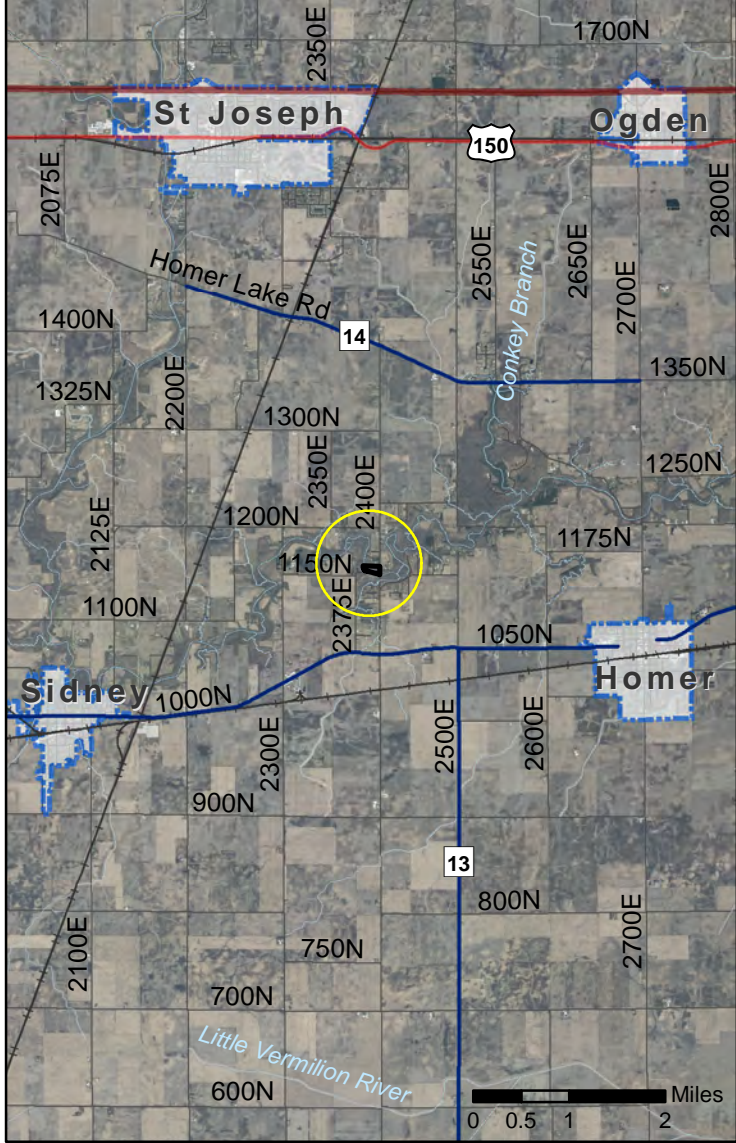
Location Map

Case 991-V-20
December 3, 2020

Subject Property



Property location in Champaign County



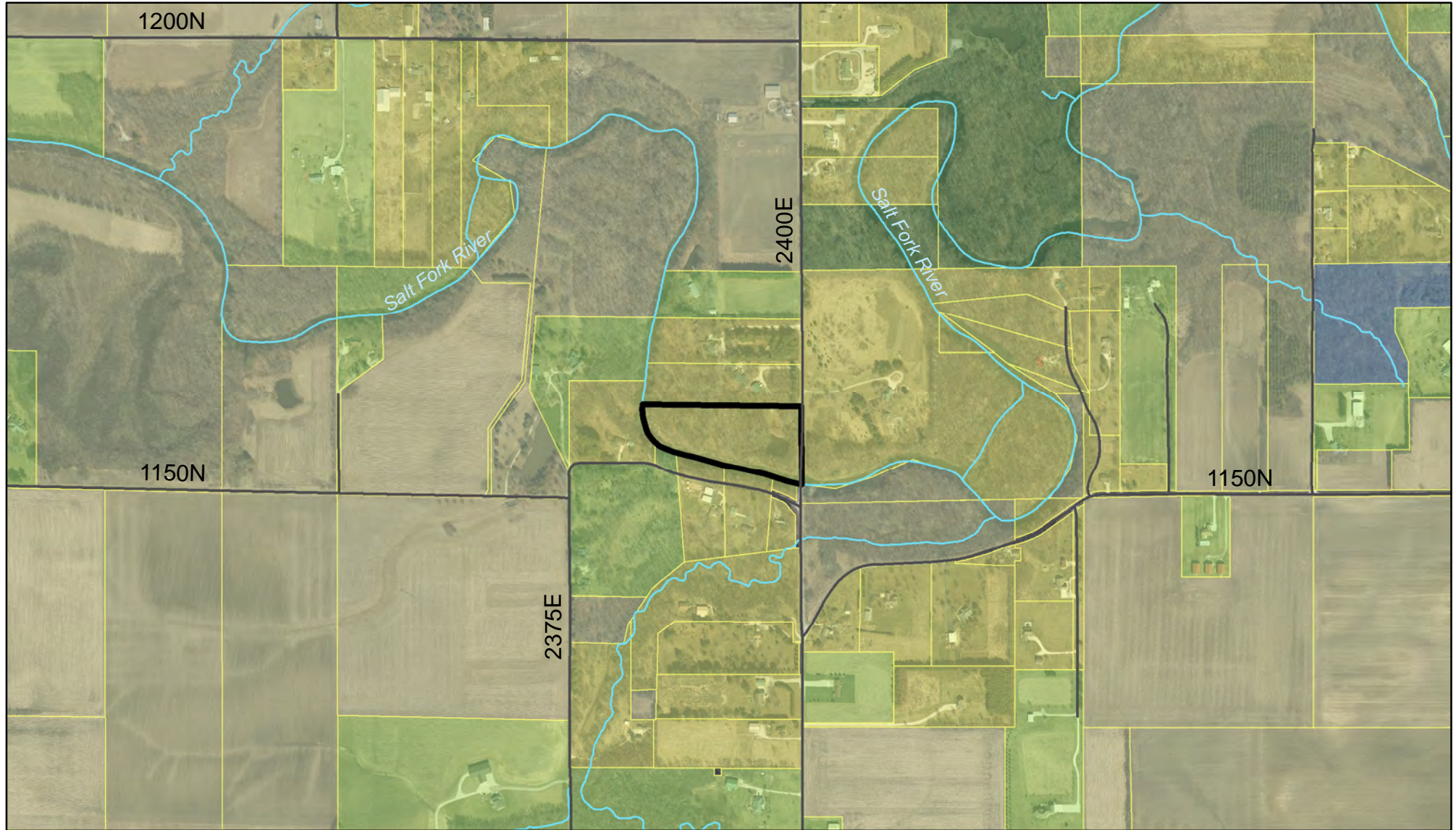
- Legend**
-  Subject Property
 -  Municipal Boundary
 -  Parcels
 -  Special Flood Hazard Area










Champaign County
Department of
**PLANNING &
ZONING**

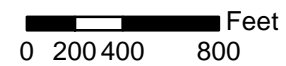
Land Use Map

Case 991-V-20
December 3, 2020



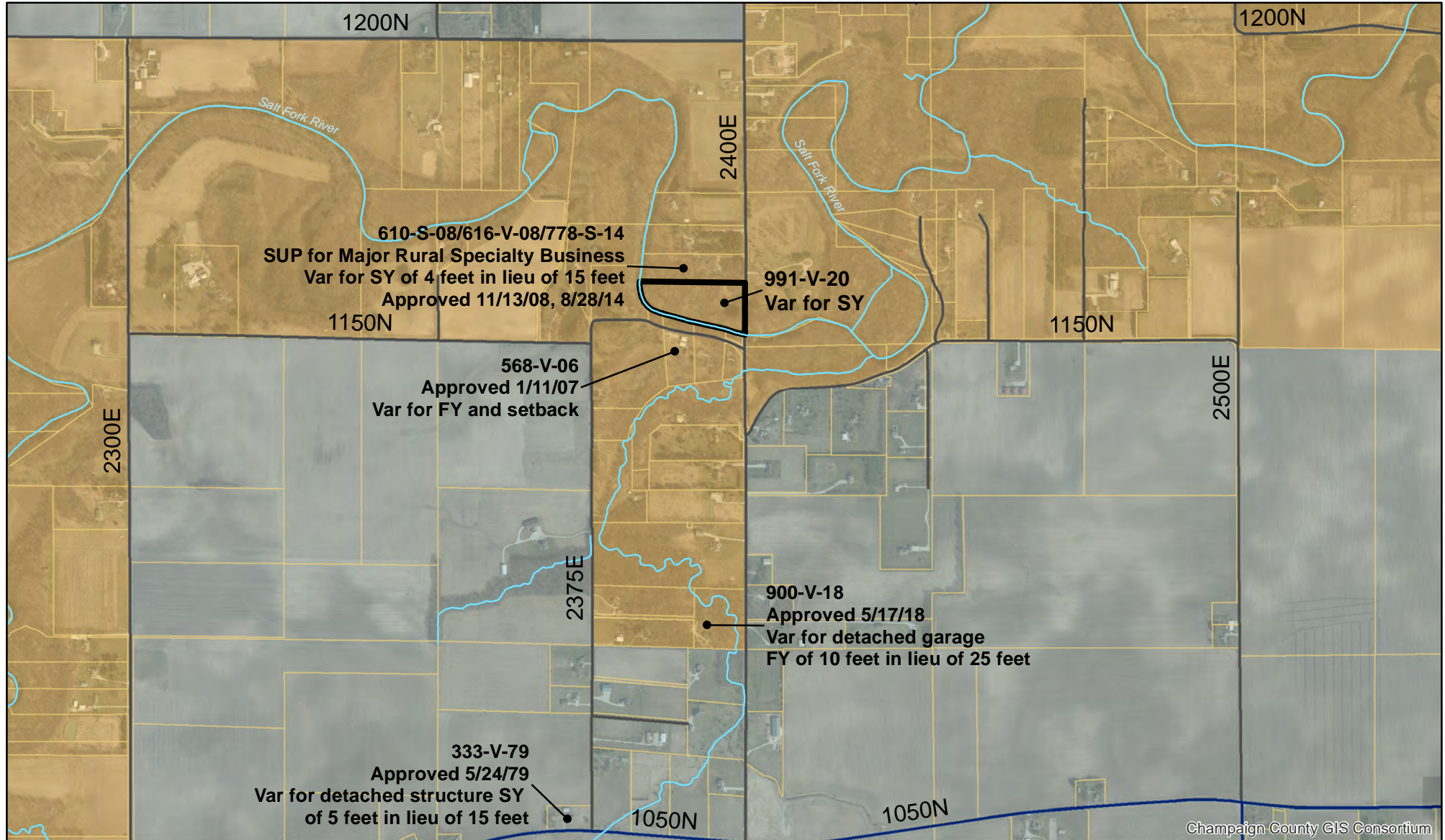
Legend

- | | | |
|---|--|--|
|  Subject Property |  Agriculture |  Commercial |
|  Parcels |  Ag/Residential |  Tax Exempt |
| |  Residential | |



Zoning Map

Case 991-V-20
December 3, 2020



Legend

- Subject Property
- Parcels
- AG-1 Agriculture
- CR Conservation Recreation

0 300 600 1,200 Feet



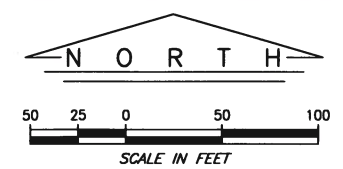
Champaign County
Department of
PLANNING &
ZONING

GENERAL NOTES

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.
 SEE CHAMPAIGN COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.
 ALL SURFACE, SUBSURFACE, BUILDING IMPROVEMENTS AND UTILITY SERVICE LINES ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
 ALL ELEVATIONS SHOWN ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (MEAN SEA LEVEL DATUM) AS ESTABLISHED AND PUBLISHED BY THE UNITED STATES NATIONAL GEODETIC SURVEY.
 COORDINATES AND BEARINGS SHOWN ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011).
 SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SECTION CORNERS USED IN THIS SURVEY.
 TITLE LINE SHOWN IS RETRACED BASED UPON ORIGINAL BOUNDARY SURVEY BY STEPHEN KURTH, ILLINOIS PROFESSIONAL LAND SURVEYOR 1945, DATED JULY 26, 1973.

LEGEND

- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "ILS 2006 2207"
- EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
- ⊙ "MAG" NAIL SURVEY MONUMENT SET WITH BRASS TAG STAMPED "ILS 2006 2207"
- — EXISTING CREEK CENTERLINE
- — TITLE LINE
- ▨▨▨▨ EXISTING BUILDING LINE
- EXISTING POLE/POST
- BENCHMARK/DESIGNATION
- ⊙ EXISTING "SOFT" SPOT ELEVATION
- ⊙ EXISTING "HARD" SPOT ELEVATION
- ⊙ EXISTING WATER WELL
- ⊙ EXISTING UTILITY POLE/DOWN GUY/TRANSFORMER
- POC POINT-OF-COMMENCEMENT
- () RECORD MEASUREMENT AND/OR DATA
- WC WITNESS CORNER
- PIN PERMANENT INDEX NUMBER
- — APPROXIMATE TOP OF BANK LINE



SURVEYOR'S REPORT

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207 AND PRESIDENT OF BERN, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF KRISTEN M. ENDERLE, I PREPARED A BOUNDARY SURVEY ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN CHAMPAIGN COUNTY, ILLINOIS OF A PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT LAND LYING EASTERLY AND NORTHERLY OF THE CENTERLINE OF THE SALT FORK CREEK, LYING WESTERLY OF THE EAST LINE OF SAID SECTION 1, AND LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT A POINT IN THE EAST LINE OF SAID SECTION 1, SAID POINT BEING 2080.52 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 1, PROCEED WESTERLY ON A LINE WHICH FORMS AN ANGLE OF 89 DEGREES, 34 MINUTES WITH SAID EAST LINE OF SECTION 1, AS MEASURED COUNTERCLOCKWISE FROM SAID EAST LINE OF SECTION 1, FOR A DISTANCE OF 910 FEET TO THE CENTER LINE OF SALT FORK CREEK.

I FURTHER STATE THAT AS A RESULT OF THIS PRESENT SURVEY, THE ABOVE DESCRIBED NET TRACT CONTAINS 7.14 ACRES, MORE OR LESS, ALL AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY, ALL SITUATED IN SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER STATE THAT BASED UPON MY REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, COMMUNITY MAP NUMBER 17019C0475D WITH AN EFFECTIVE DATE OF OCTOBER 2, 2013, THE PROPERTY SURVEYED IS REPORTEDLY LOCATED WITHIN ZONE A (SPECIAL FLOOD HAZARD AREA)

I FURTHER STATE THAT NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

I FURTHER STATE THAT NO INDEPENDENT INVESTIGATION CONCERNING ZONING OR LAND USE, OR INDEPENDENT SEARCH OF THE RECORDS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, OWNERSHIP, TITLE EVIDENCE OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE FOR SUBJECT PROPERTY OR FOR ADJOINING PARCELS WAS MADE AS A PART OF THIS SURVEY. THE SURVEYOR HAS RELIED UPON THE MATERIALS AND REPRESENTATIONS SUPPLIED BY THE CLIENT

I FURTHER STATE THAT NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY MUNICIPAL OR PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

I FURTHER STATE THAT I FOUND AND/OR SET THE SURVEY MONUMENTS AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY AND THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

I FURTHER STATE THAT THE ACCOMPANYING PLAT OF SURVEY IS A SCALED REPRESENTATION OF THE PHYSICAL SITUATION WHICH I FOUND IN THE FIELD AND SHOWS THE LOCATION OF VARIOUS ABOVE-GROUND FACILITIES WHICH I FOUND IN THE FIELD AT THE TIME OF MY FIELD SURVEY OF THESE PREMISES FROM JULY 7, TO JULY 14, 2020.

I FURTHER STATE THAT THE ABOVE DESCRIBED TRACT IS APPARENTLY SUBJECT TO THE RIGHTS OF THE PUBLIC IN THE EXISTING PUBLIC ROADWAY.

I FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

SIGNED AND SEALED JULY 20, 2020

Edward L. Clancy



EDWARD L. CLANCY, L.S., P.E., PRESIDENT
 BERN, CLANCY AND ASSOCIATES, P.C.
 ILLINOIS PROFESSIONAL LAND SURVEYOR 2207
 LICENSE EXPIRATION: NOVEMBER 30, 2020
 URBANA, CHAMPAIGN COUNTY, ILLINOIS
 ILLINOIS PROFESSIONAL DESIGN FIRM 2999
 LICENSE EXPIRATION: APRIL 30, 2021

RETRACEMENT BOUNDARY SURVEY OF A PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

WATER SURFACE ELEVATION NOTE

N.R.C.S. HYDRAULIC REPORT STATES THE 100-YEAR WATER SURFACE ELEVATION OF SALT FORK CREEK IS 646.45 FT. (N.A.V.D. 1988).
 STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS PLANS FOR PROPOSED BRIDGE REPLACEMENT PLANS BY COLLINS AND RICE, CONSULTING ENGINEERS, DATED 1989 NOTE THE 100-YEAR WATER SURFACE ELEVATION AT 644.5 FT. (N.G.V.D. 1929).
 CHAMPAIGN COUNTY PLANNING AND ZONING LETTER DATED FEBRUARY 6, 1986 - BASE FLOOD ELEVATION: 645.0 FT. (N.G.V.D. 1929).

BENCHMARKS (N. A. V. D. 1988)

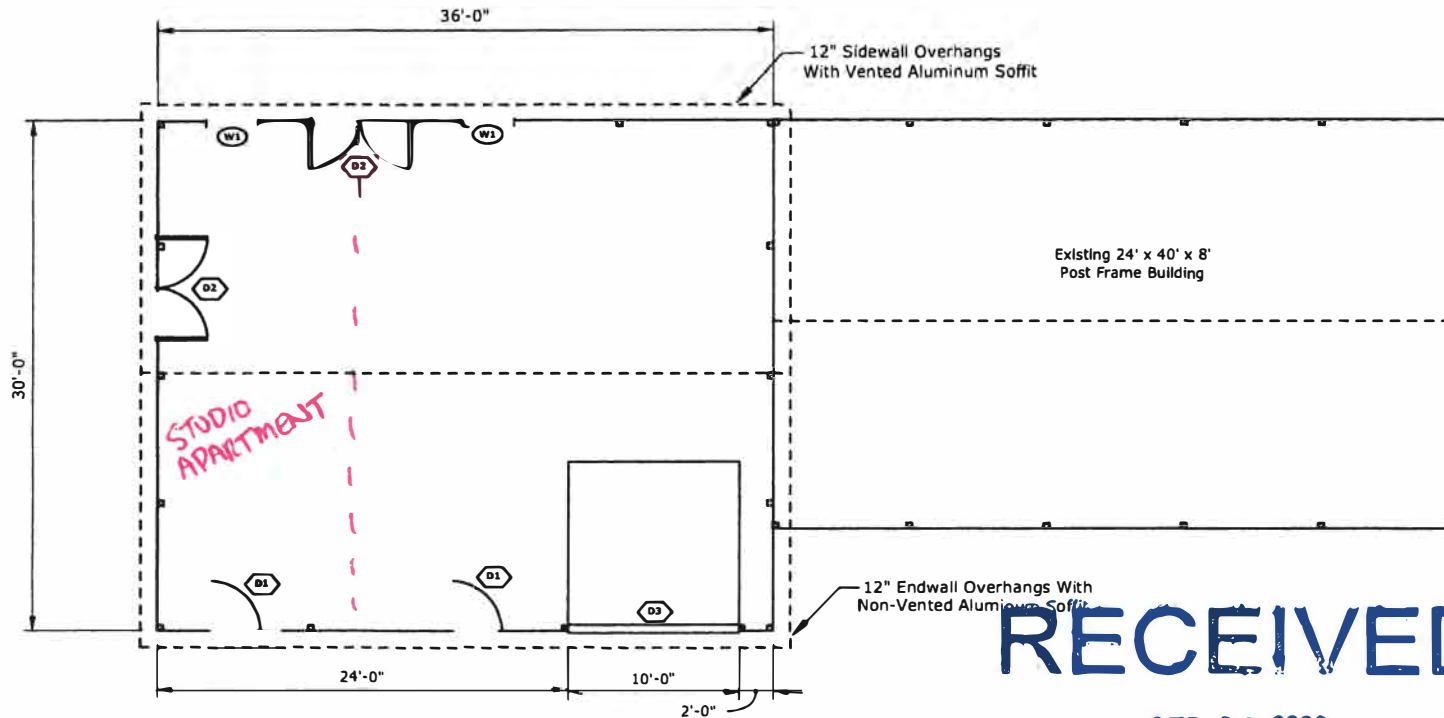
- BCA BENCHMARK 1302 ELEVATION: 644.93 FT. RAILROAD SPIKE FOUND 1 FOOT± ABOVE GROUND IN THE EAST FACE OF A UTILITY POLE 18 FEET EAST OF THE CENTERLINE OF COUNTY ROAD 2400E AND 31 FEET SOUTH OF THE CENTERLINE OF ENTRANCE DRIVE TO 1159 COUNTY ROAD 2400E, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.
- BCA BENCHMARK 1303 ELEVATION: 645.39 FT. RAILROAD SPIKE FOUND 1 FOOT± ABOVE GROUND IN THE EAST FACE OF A UTILITY POLE 15.5 FEET WEST OF THE CENTERLINE OF COUNTY ROAD 2400E AND 88 FEET NORTH OF THE CENTERLINE OF ENTRANCE DRIVE TO 1159 COUNTY ROAD 2400E, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.
- BCA BENCHMARK 4761 ELEVATION: 644.81 FT. TOP OF WATER WELL HEAD 2.8 FEET ABOVE GROUND, 307 FEET WEST OF THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 1 AND 400 FEET NORTH OF THE CENTERLINE OF SALT FORK CREEK, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS.

J. U. L. I. E.
 NOTE: THE EXACT LOCATION OF ALL UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION ACTIVITIES. FOR UTILITY LOCATIONS CALL: J.U.L.I.E. (800) 892-0123
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BCA
 BERN, CLANCY AND ASSOCIATES
 ENGINEERS • SURVEYORS • PLANNERS
 405 EAST MAIN STREET - POST OFFICE BOX 755
 URBANA, ILLINOIS 61803-0755
 PHONE: (217) 384-1144 - FAX: (217) 384-3355
 JOB: 7914 DATE: 072020 SHEET 1 OF 1
 FILE: 7914.DWG

FINAL DOOR/WINDOW LOCATION TO BE DETERMINED ONSITE



RECEIVED

SEP 28 2020

CHAMPAIGN CO. P & Z DEPARTMENT

FLOOR PLAN

FBI Building 30' x 36' x 12' I.C.
Sidewall Columns & Trusses Space at 8' O.C. Designed for 20 psf Ground Snow Load



Copyright:
FBI Buildings, Inc.

Building may not be shown to scale.
(Colors shown may not match actual colors.
Refer to color samples for actual colors.)

Door Schedule:

- D1 - 3' x 6'-8" Steel Insulated Walk Door
- D2 - 6' x 7' French Door Frame Out (Door Not Included)
- D3 - 10' x 10' OHD Frame Out (Door Not Included)

Window Schedule:

- W1 - 2' x 6' Window Frame Out (Windows Not Included)

Purchaser Approval	Date
Designer Approval	Date
Scale	Drawing #

Kristen Enderle 612 Pittsfield DR Champaign, IL 61822	Floor Plan
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FBI
 FBI Buildings, Inc.
 3823 W 1800 S
 Remington, IN 47977
 219-261-2157
 www.fbibuildings.com

Date :	09/23/20
Name :	DMN
	Rev 0

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A-101

991-V-20 Site Images



From CR 2400E facing west – other buildings to right of red shed are on adjacent property



From approximate east property line facing SW

991-V-20 Site Images



From driveway facing west to clearing south of shed (shed is off to the right)



From driveway facing south to clearing south of shed

PRELIMINARY DRAFT

991-V-20

**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: *{December 3, 2020}*

Petitioner: **Kristen & James Enderle**

Request: **Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 3, 2020**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Kristen & James Enderle, own the subject property.
2. The subject property is a 6.91-acre tract in the Southeast Quarter of the Northeast Quarter of Section 1, Township 18 North, Range 10 East of the Third Principal Meridian, in Sidney Township with an address of 1159 CR 2400E, 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 are not notified of such cases.
 - B. The subject property is located within Sidney Township, which does not have a Plan Commission. Township 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 currently zoned CR Conservation-Recreation. Land use is vacant residential.
 - B. Land to the north is zoned CR Conservation-Recreation and is residential and commercial in use (River Bend Wild Game & Sausage Co).
 - C. Land to the east, west, and south is zoned CR Conservation-Recreation and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan is two sheets: a Boundary Survey by Berns, Clancy and Associates received November 12, 2020, and a proposed Floor Plan received September 28, 2020, which indicate the following:
 - (1) An existing 24 feet by 40 feet shed that is 12 feet 3 inches from the north property line.
 - (2) The petitioner proposes a 36 feet by 30 feet (1080 square feet) addition to the shed, and to convert it into a single-family residence.
 - B. There are no previous Zoning Use Permits for the subject property.
 - (1) ZUPA #272-20-04FP is a pending permit to "elevate the area of the proposed construction of a single family home addition to an existing detached shed, also being elevated, tapering 10' from the perimeter of the proposed addition, using a fill/clay layer, 3 inches of rock and a top layer of CA16, compacting each layer before adding a 5 inch concrete pad with radiant heat tubing to provide heat to the proposed construction."

PRELIMINARY DRAFT**Case 991-V-20**

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- a. Should the variance for side yard be denied, the petitioners have agreed to shorten the shed in order to conform to the 15 feet side yard requirement.
 - (2) The 24 feet by 40 feet (960 square feet) shed was constructed in 1984; no permit was found on file.
 - (3) A 672 square feet house was constructed in 1977; no permit was found on file, and the house was demolished within the last few years.
- C. There are no previous zoning cases for the subject property, but there are several in the vicinity:
- (1) On the property to the north, Cases 610-S-08, 616-V-08 and 778-S-14 were approved on November 13, 2008 and August 28, 2014 to allow a Major Rural Specialty Business (River Bend Wild Game & Sausage Co) as a Special Use, and a side yard of four feet in lieu of 15 feet for a detached accessory structure.
 - (2) On an adjacent property to the south, a variance in Case 568-V-06 was approved on January 11, 2007 for a detached barn with a front yard of 12.25 feet and a setback of 32.25 feet in CR.
 - (3) Approximately 0.5 mile south, a variance in Case 900-V-18 was approved on May 17, 2018, for a detached garage with a front yard of 10 feet in lieu of 25 feet in CR.
 - (4) Approximately one mile southwest, a variance in Case 333-V-79 was approved for a detached garage with a side yard of five feet in lieu of 15 feet in AG-1.
- D. The required variance is for an existing detached shed to be converted to a dwelling with a side yard of 12 feet 3 inches feet in lieu of the minimum required 15 feet in the CR Conservation-Recreation Zoning District.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (3) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (4) “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.

PRELIMINARY DRAFT

- (5) “LOT LINES” are the lines bounding a LOT.
 - (6) “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.
 - (7) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. The 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.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Minimum SIDE YARD for a principal structure in the CR Conservation-Recreation District is established in Section 5.3 of the Zoning Ordinance as 15 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:

PRELIMINARY DRAFT

- A. The Petitioner has testified on the application, **“We purchased this property with an existing accessory building which was built 12 feet 3 inches and 13.2 feet away from the property line, we would like to add on to it.”**
- B. The existing shed the petitioners want to convert meets the required 10 feet side yard for a detached accessory structure, but not for a principal structure, which requires 15 feet.
- C. The Special Flood Hazard Areas Ordinance will require the fill to extend 10 feet from the building before sloping down below the Flood Protection Elevation (FPE) and on the north side of the existing structure.
 - (1) With the approved variance, there will only be 2 feet 3 inches of horizontal distance to slope down the approximately 4 feet height of the fill, and that will result in a slope of roughly 2 to 1, which may be unstable if not stabilized by rip rap, or the fill will have to extend over the property line.
 - a. Any flood mitigation measures will be part of the Zoning Use Permit approval process.

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, **“If the variance is not granted, we would not be able to add on to the structure.”**
 - B. Regarding the proposed variance: without the proposed variance, the petitioner would have to move the shed or purchase an additional three feet from the neighbor to the north.
 - C. The petitioners have already raised the existing shed by four feet due to the flood risk.

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, the building was constructed prior to us purchasing the property.”**
 - B. According to the Assessor’s property records, the petitioners purchased the property on February 7, 2020.
 - C. The petitioners had a Boundary Survey created by Berns, Clancy & Associates that was completed on July 20, 2020.

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:

PRELIMINARY DRAFT

- A. The Petitioner has testified on the application, **“We would like to improve the property but in order to do so, we would need the variance.”**
- B. Regarding the proposed Variance for a principal building with a side yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation District: the requested variance is 81.3% of the minimum required, for a variance of 18.7%.
- C. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The 7.14-acre subject property is currently vacant. The surrounding properties are generally large, wooded residential lots.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Sidney Fire Protection District and the station is approximately 4.6 road miles from the subject property. The nearest structure is detached shed approximately 80 feet to the northwest.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioner has testified on the application: **“The property is going from an accessory building to a single-family residence which will improve the neighborhood and improve the value.”**
 - B. The Sidney Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The Sidney Fire Protection District has been notified of this variance, and no comments have been received.
 - D. The nearest structure is detached shed approximately 80 feet to the northwest.
 - E. No comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

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

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Variance Application received October 14, 2020, with attachments:
2. Preliminary Memorandum dated November 24, 2020, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan (two sheets):
 - Boundary Survey by Berns, Clancy and Associates received November 12, 2020
 - Proposed Floor Plan received September 28, 2020
 - C Images of Subject Property taken November 6, 2020
 - D Draft Summary of Evidence, Finding of Fact, and Final Determination dated December 3, 2020

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **991-V-20** held on **December 3, 2020**, 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 **991-V-20** is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioners, **Kristen & James Enderle**, to authorize the following variance:

Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 12 feet 3 inches in lieu of the minimum required 15 feet in the CR Conservation-Recreation Zoning District, per Section 5.3. 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