

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

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

CASE NO. 006-V-21
SUPPLEMENTAL MEMORANDUM #1
May 12, 2021

Petitioner: **Stephen Mechling**

Request: **PART A**

Authorize the construction and use of a proposed detached accessory building on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 64 feet and a front yard of 23 feet from the centerline of Main Street (CH 6) in lieu of the minimum required setback of 75 feet and front yard of 30 feet.

Subpart 2: A setback of 34 feet and a front yard of 5 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.

Subpart 3: A corner visibility triangle of 28 feet on South Main Street in lieu of the minimum required visibility triangle of 50 feet.

Subpart 4: A side yard for a detached building of 2 feet in lieu of the minimum required side yard of 5 feet.

Subpart 5: A lot coverage of 62% in lieu of the maximum allowed lot coverage of 30%.

Subpart 6: An average height of 19 feet in lieu of the maximum allowed average height of 15 feet.

PART B

Authorize the reconstruction of an existing dwelling, as required, on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 30 feet and a front yard of 0 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.

Subpart 2: A separation of one foot from an alley way in lieu of the minimum required rear yard of 20 feet.

Subject Property: **The 6,534 square feet Lot 5 of Block 12 of the Original Town of Seymour, commonly known as the residence at 105 East Center Street, Seymour**

Site Area: **0.15 acres**

Time Schedule for Development: **Already in use**

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

STATUS

The following comments and photos have been received:

- Letter and photos from Phil Carper received May 5, 2021 (Attachment A)
- Email from Chief Paul Klein, Seymour Fire Department received May 5, 2021 (Attachment B)
- Letter from Marcia Randol received May 7, 2021 (Attachment C)
- Photos from petitioner Steve Mechling received May 7, 2021 (Attachment D)
- Photos from Phil Carper received May 11, 2021 (Attachment E)
- Email from Shannon Harness-Simmons received May 11, 2021 (Attachment F)

Attachment G is a revised Summary of Evidence that cites these new submittals and makes significant changes to the Draft Summary Findings of Fact.

SPECIAL CONDITION – MINOR CHANGE

There is one proposed special condition:

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit without documentation from the County Health Department that there is sufficient area on the subject property for a replacement leach field based on the following:**
- (1) The petitioner shall apply to the Health Department for a replacement septic system, including soil investigation results prepared by a soil scientist, and the petitioner shall pay the fee for a Health Department septic system permit.**
 - (2) The petitioner shall not be required by this special condition to install a replacement septic system but shall maintain the area approved by the Health Department for a replacement septic system free of any new construction that requires a variance. If the petitioner or a future owner does install a replacement septic system at a future date, a new Health Department application and new fees for that future replacement septic system may be required.**
 - (3) If no replacement septic system can be approved by the Health Department, then no additional construction is authorized by this variance.**

The special condition stated above is required to ensure the following:

That ~~the-any replacement~~ septic system conforms to State requirements for private sewage systems.

ATTACHMENTS

- A Letter and photos from Phil Carper received May 5, 2021
B Email from Chief Paul Klein, Seymour Fire Department received May 5, 2021
C Letter from Marcia Randol received May 7, 2021
D Photos from petitioner Steve Mechling received May 7, 2021
E Photos from Phil Carper received May 11, 2021
F Email from Shannon Harness-Simmons received May 11, 2021
G Revised Summary of Evidence, Finding of Fact, and Final Determination dated May 13, 2021

Case 006-V-21 Variance request; Philip and Hilda Carper.

1. We want to go on record as being opposed to Part A, a building of this size, any and all set back changes, and increased surface coverage in this location.
2. Opposed to set back that allow a front yard 0 set back from the centerline of Center Street as stated in Part B, Subpart 1 of variance.
3. Opposed to set back of one foot from alley if house or other building is to replace existing structure in part B Subpart 2.
4. What was the criteria and why was the lot coverage set at 30% in the Zoning Rules and Regulations?
5. What were the criteria and why was the lot set backs, and building heights, and visibility triangle put in the Zoning Rules and Regulation?
6. If house is staying is there now adequate area for septic tank leach field required by the Champaign County Health Department?
7. If septic tank or leach field for this residence is modified, is there adequate room now with no added building, where is it septic going to discharge?
8. Is there adequate distance from the Seymour Water District public water mains on the East side of property and the North side of property or the emergency community well to the west if leach field is changed?
9. Is existing house grandfathered in, then why is there a need for a variance now for the house?
10. How is the run off going to be handled? The tile on Main Street flows into the same tile that drains a majority of the lower lying properties east of Main Street and can not keep up now in a moderate rain.
11. This will increase run off which affects ground water which affects leach fields for septic tanks down stream and next door, to the South, South East, and East as shown in the elevation picture? My wife and I own six properties in this area that would be affected by flooding including septic leach fields.
12. This can increase flooding and damage to properties down stream as shown in pictures of 112 E South St., 102 South Sherman and 110 E South St.
13. Approximately for every 1000 square feet of surface 550 gallons of water can be collected for every inch of rain. The Seymour area receives on an average of 40 inches of rain and 20 inches of snow per year. (<http://pccd.org.rainwcandbestplaces.net>). With new 40' by 70' garage and 70' by 32' approaching driveway this could amount to one million two hundred gallons of run off on an **average** year. It would be more run off if the eaves stick out one or two feet past proposed the 40' by 70' foot print, which would extend past the owners property line to the south with a two foot set back, and cover increase the area for water run off.
14. The existing hedge needs to be trimmed down or removed to even have a visibility triangle. With cars parked up to existing road, it is hard to see traffic from the south.

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bestplaces.net

Climate in Seymour, Illinois

Seymour, Illinois gets 40 inches of rain, on average, per year. The US average is 38 inches of rain per year.

Seymour averages 20 inches of snow per year. The US average is 28 inches of snow per year.

On average, there are 195 sunny days per year in Seymour. The US average is 205 sunny days.

Seymour gets some kind of precipitation, on average, 112 days per year. Precipitation is rain, snow, sleet, or hail that falls to the ground. In order for precipitation to be counted you have to get at least .01 inches on the ground to measure.

Weather Highlights

Summer High: the July high is around 84 degrees

Winter Low: the January low is 17

Rain: averages 40 inches of rain a year

Snow: averages 20 inches of snow a year

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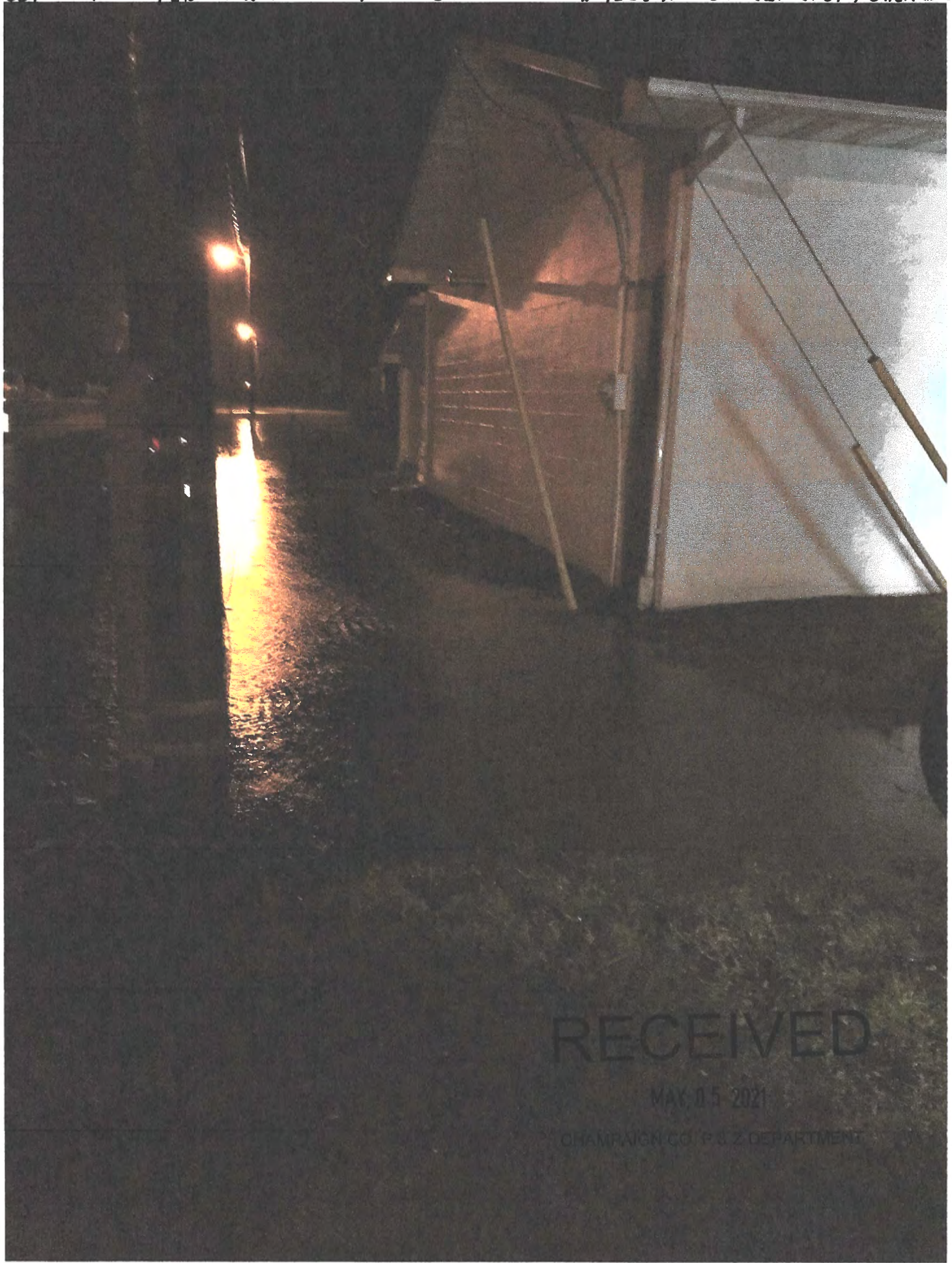
MAY 05 2021

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LOOKING EAST

SEYMOUR IL: FEB 21 2018

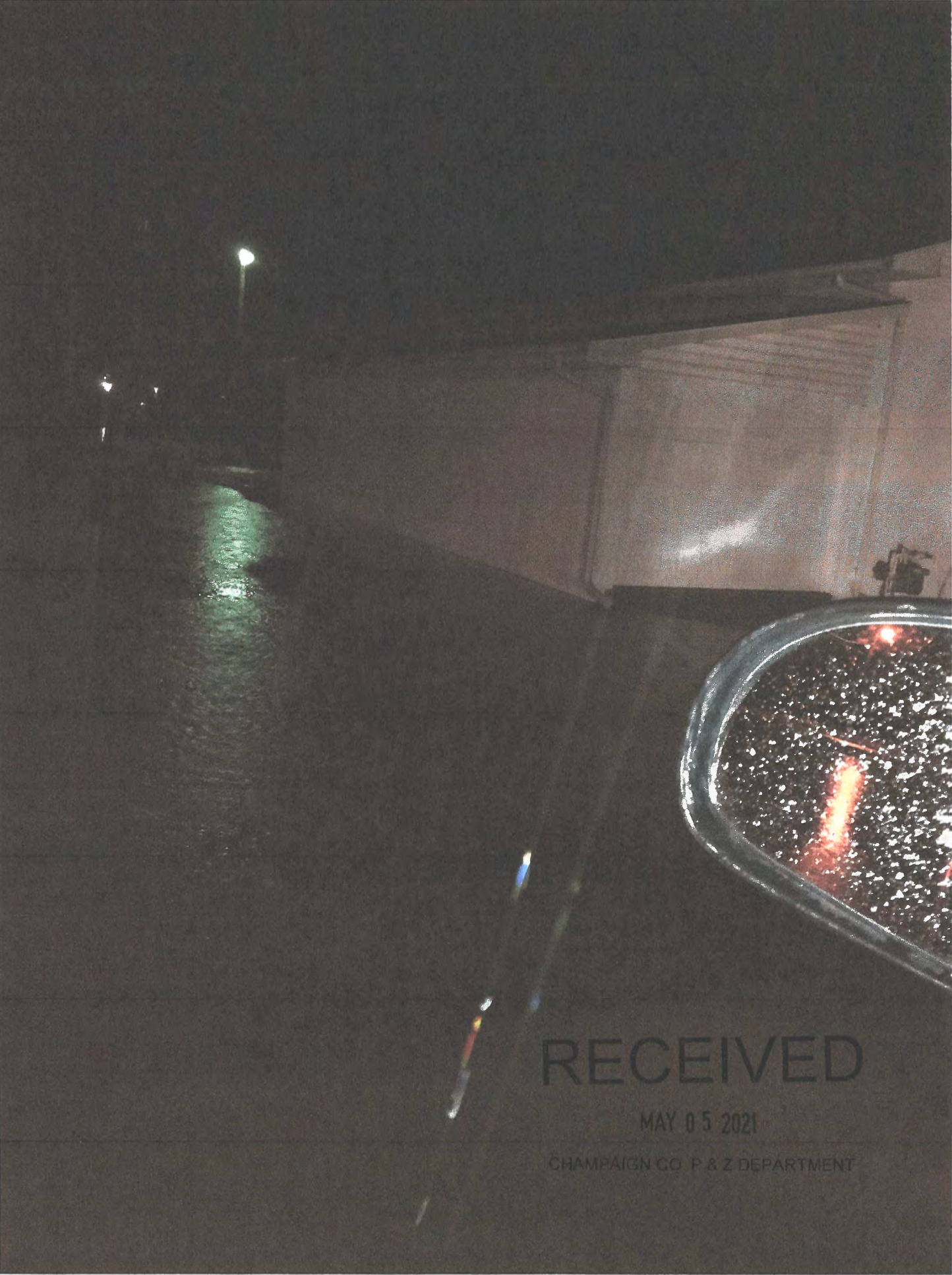
102 S SWERMA Case 006-V-21 ZBA 05/18/21 Supp Memo #1 Attachment A Page 3 of 8



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SEYMOUR IL

FEB 22 2018

110 E SOUTH

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CLERMONT COUNTY ZEPARTMENT

112 E CENTER ST 4/9/2019

Seymour Case 066-V-21, ZBA 05/13/21, Supp Memo #1, Attachment A, Page 6 of 8



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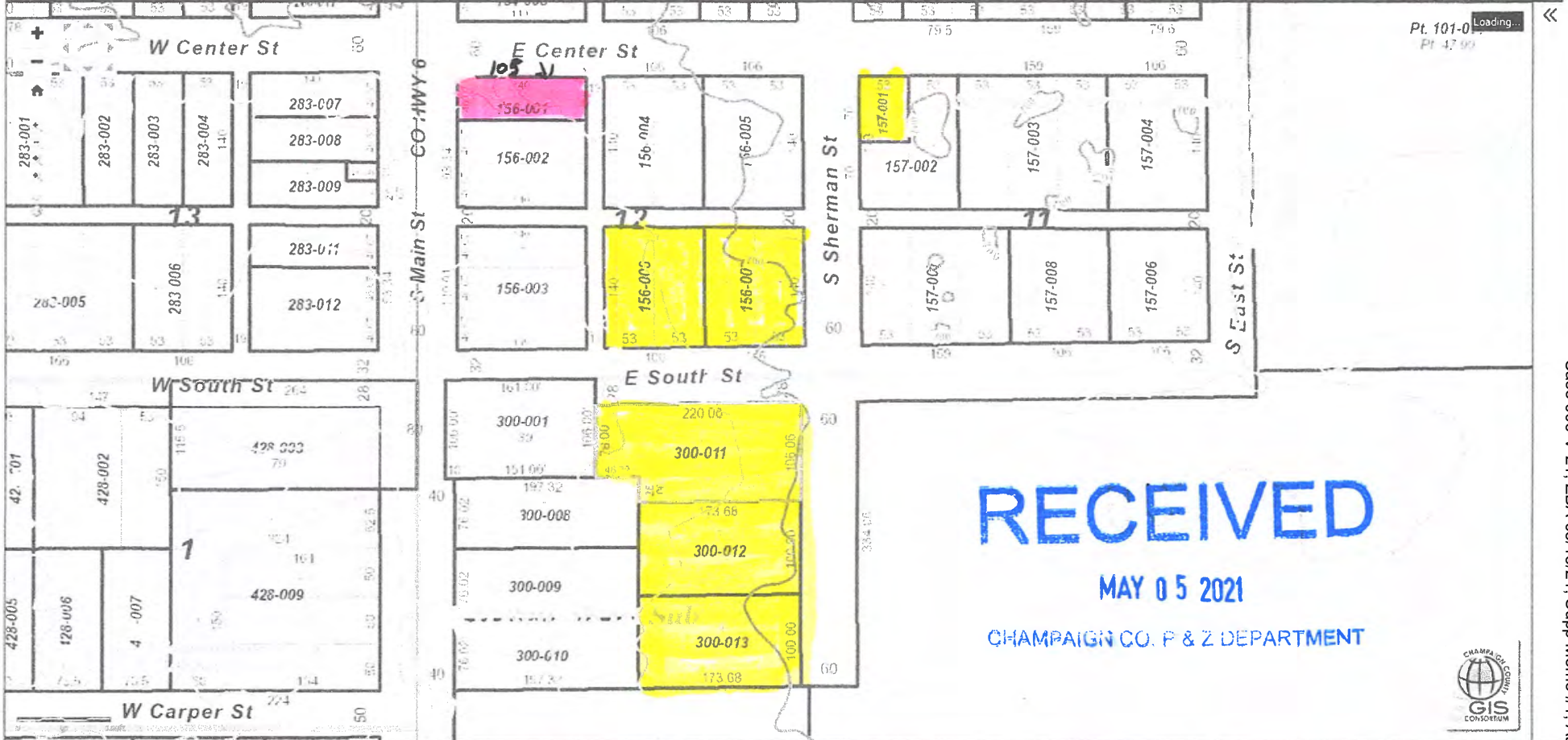
IN YELLOW PROPERTIES WE OWN 5/11/2021

ccgisc

Interactive Public Map

Log In

Base Maps / Imagery Additional Layers Search / Identify Draw / Measure Print / Upload

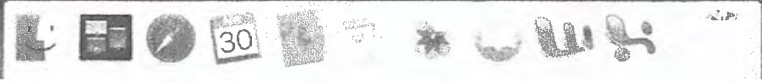


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ELEVATIONS OF LAND AND WATERSHED

CHAMPAIGN CO. F & Z DEPARTMENT



Susan Burgstrom

From: Lori Busboom
Sent: Wednesday, May 5, 2021 11:45 AM
To: Susan Burgstrom; John Hall
Subject: Case 006-V-21

From: Seymoure fire department <seymourfire@gmail.com>
Sent: Wednesday, May 5, 2021 11:40 AM
To: zoningdept <zoningdept@co.champaign.il.us>
Subject: Case 006-V-21

The Seymour Vol. Fire Dept would like to object to the rezoning request for the property at 105 E. Center St., Seymour. We feel that the size of this building in this Family setting is too large. The intersection of E. Center St. and Main St. is a traffic hazard. This corner has a traffic vision problem to the South to begin with due to parking cars and bushes. Secondly this building is more than what a 2 car garage would be this close to the house and will be an added fire hazard for fireman to work around in the unfortunate case of a fire at the house or the building.

Thank you
Paul Klein, Chief
Seymour VFD

Sent from [Mail](#) for Windows 10

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Champaign County Dept. of Planning and Zoning

1776 E. Washington St.

Urbana, IL. 61802

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To Zoning Board of Appeals

Ref. Case 006-V-21

I live at 114 E. Center St, a block away from the proposed building site. I object to this construction for the following reasons.

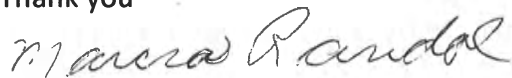
1) We have a serious water problem on this street when we get 2 in. and over of rain. The Street and alley intersection at 105 floods partly due to the large warehouse to the North and the water build up moves on down the street to the East causing yard and basement flooding. I feel this will only add to the problem.

2) The corner is a vision problem already due to cars and trucks parking on Main St. at this intersection. This intersection is also a school bus stop.

3) This is a residential location and the size of the requested building seems to be a commercial building taking up over 60% of the lot plus the existing home.

Please consider all repercussions to our community when dealing with this issue.

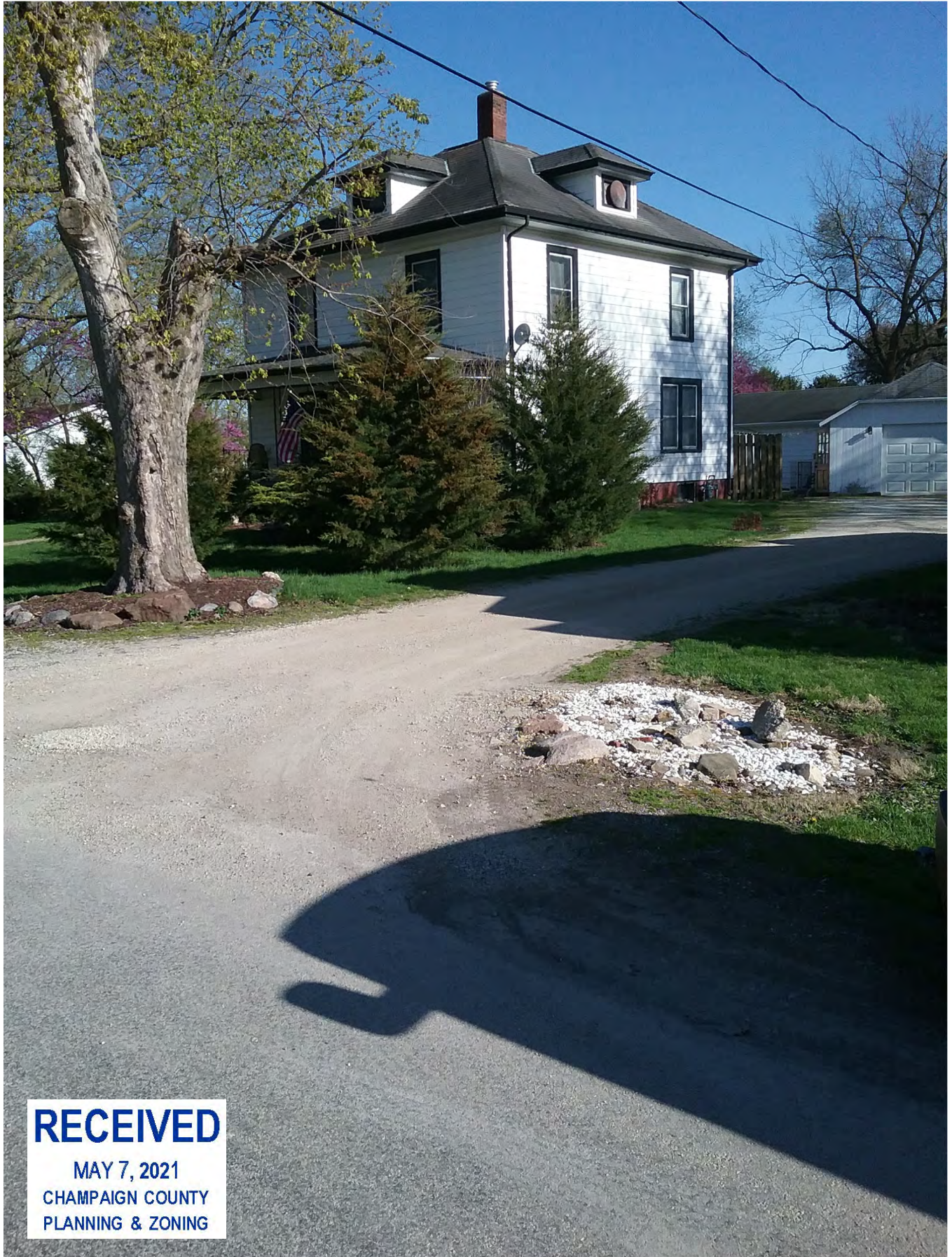
Thank you



Marcia Randol

4/13/21

This photo is of house next door. It is 3 ft. higher than proposed building.



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4/13/21

This marker represents where the front of the proposed bldg. north wall, would be behind existing house.



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4/13/21

This would be a view of the corner after proposed building was built.



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This stake is at the west side of the proposed building, looking south, does not extend past existing house.



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04/13/21

This photo is of the building across the street, that is 2 ft. taller than proposed building.



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MAY 11, 2021
CHAMPAIGN COUNTY
PLANNING & ZONING

Susan Burgstrom

From: Lori Busboom
Sent: Tuesday, May 11, 2021 12:33 PM
To: Susan Burgstrom
Cc: John Hall
Subject: Case 006-V-21

From: shannon simmons <shannon5368.ss@gmail.com>
Sent: Tuesday, May 11, 2021 12:29 PM
To: zoningdept <zoningdept@co.champaign.il.us>
Subject: Case 006-V-21

To whom it may concern,

My name is Shannon Harness-Simmons and I live at 106 S. Main in Seymour, Il.

I am sending this email in regards to case 006-V-21.

It has come to our attention that the owner of the property located at 105 East Center Street in Seymour has petitioned for a variance to add a detached accessory building on his property.

We are concerned about this affecting our property. We have a septic tank and our leach field runs up to the edge of our property on the side where the proposed building would be located. We are opposing this variance due to that reason as additional run off due to rain would cause the leach field to become overly saturated and cause our septic tank to back up into our yard.

If you have any questions, I can be reached at this email or by phone at 217-840-3408.

Thank you,
Shannon Harness-Simmons

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006-V-21

**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: **May 13, 2021**

Petitioners: **Stephen Mechling**

Request: **PART A**

Authorize the construction and use of a proposed detached accessory building on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 64 feet and a front yard of 23 feet from the centerline of Main Street (CH 6) in lieu of the minimum required setback of 75 feet and front yard of 30 feet.

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Subpart 5: A lot coverage of 62% in lieu of the maximum allowed lot coverage of 30%.

Subpart 6: An average height of 19 feet in lieu of the maximum allowed average height of 15 feet.

PART B

Authorize the reconstruction of an existing dwelling, as required, on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 30 feet and a front yard of 0 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.

Subpart 2: A separation of one foot from an alley way in lieu of the minimum required rear yard of 20 feet.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 13, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Stephen Mechling, 1409 W Old Church Rd, Champaign, owns the subject property.
2. The subject property is the 6,534 square feet Lot 5 of Block 12 of the Original Town of Seymour, commonly known as the residence at 105 East Center Street, Seymour.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
 - B. The subject property is located within Scott Township, which does not have a Plan Commission.

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 6,534 square feet lot zoned R-2 Single Family Residence and the land use is residential.
 - B. Land to the north of the subject property is zoned B-5 Central Business and is commercial in use.
 - C. Land to the east and south of the subject property is zoned R-2 Single-Family Residential and is residential in use.
 - D. Land to the west is zoned B-5 Central Business 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 indicates the following existing and proposed features:
 - (1) Existing structures include:
 - a. One non-conforming residence that is approximately 1,000 square feet;
 - b. One 8 feet by 15 feet detached shed.
 - c. Per the petitioner, septic is located south of the house, and water is public.
 - (2) Proposed construction is for one 40 feet by 70 feet (2,800 square feet) detached garage.
 - B. P&Z Staff created an Annotated Aerial dated April 9, 2021 to clarify the existing and proposed structures and required variances.
 - C. There are no prior Zoning Use Permits on file, although the petitioner improved a carport structure to the south side of the house.

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- D. There are no prior zoning cases for the subject property.
- E. The required variance is as follows:
 - (1) Part A: Authorize the construction and use of a proposed detached accessory building on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:
 - a. Subpart 1: A setback of 64 feet and a front yard of 23 feet from the centerline of Main Street (CH 6) in lieu of the minimum required setback of 75 feet and front yard of 30 feet.
 - b. Subpart 2: A setback of 34 feet and a front yard of 5 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.
 - c. Subpart 3: A corner visibility triangle of 28 feet on South Main Street in lieu of the minimum required visibility triangle of 50 feet.
 - d. Subpart 4: A side yard for a detached building of 2 feet in lieu of the minimum required side yard of 5 feet.
 - e. Subpart 5: A lot coverage of 62% in lieu of the maximum allowed lot coverage of 30%.
 - f. Subpart 6: An average height of 19 feet in lieu of the maximum allowed average height of 15 feet.
 - (2) Part B: Authorize the reconstruction of an existing dwelling, as required, on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:
 - a. Subpart 1: A setback of 30 feet and a front yard of 0 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.
 - b. Subpart 2: A separation of one foot from an alley way in lieu of the minimum required rear yard of 20 feet.

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 STRUCTURE" is a STRUCTURE 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, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.

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- (2) “ALLEY” is a permanent service RIGHT-OF-WAY which affords only a secondary means of ACCESS to PROPERTY abutting such RIGHT-OF-WAY and is not intended for general traffic circulation.
- (3) “AREA, BUILDING” is the total area taken on a horizontal plane at the largest floor level of the MAIN or PRINCIPAL BUILDING and all ACCESSORY BUILDINGS on the same LOT exclusive of uncovered porches, terraces, steps, or awnings, marquees, and nonpermanent CANOPIES and planters.
- (4) “AREA, LOT” is the total area within the LOT LINES.
- (5) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
- (6) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (7) “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.
- (8) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (9) “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.

- (10) “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.

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- (11) “LOT, CORNER” is a LOT located:
- (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
- (12) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
- (13) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (14) “LOT LINES” are the lines bounding a LOT.
- (15) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (16) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
- (17) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT - OF -WAY line.
- (18) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (19) “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.

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- (20) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (21) “STRUCTURE, DETACHED” is a STRUCTURE not connected to another STRUCTURE.
- (22) “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.
- (23) “YARD” is an OPEN SPACE, other than a COURT, of uniform depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (24) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.
- (25) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (26) “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 R-2 Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- 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.

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- 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 SETBACK from a MINOR STREET in the R-2 Single Family Residential District is established in Section 4.3.2 of the *Zoning Ordinance* as 55 feet.
 - E. Minimum SETBACK from a county highway in the R-2 Single Family Residential District is established in Section 4.3.2 of the *Zoning Ordinance* as 75 feet.
 - F. Minimum visibility triangle is established in Section 4.3.3 F. of the *Zoning Ordinance* as a straight line joining points along said STREET RIGHT-OF-WAY lines 50 feet from the nearest point of intersection.
 - G. Minimum FRONT YARD along a MINOR STREET in the R-2 Single Family Residential District is established in Section 4.3.2 of the *Zoning Ordinance* as 25 feet.
 - H. Minimum FRONT YARD along a county highway in the R-2 Single Family Residential District is established in Section 4.3.2 of the *Zoning Ordinance* as 30 feet.
 - I. Minimum SIDE YARD for an accessory structure in the R-2 Single Family Residential District is established in Section 7.2.1 of the *Zoning Ordinance* as 5 feet.
 - J. Maximum lot coverage in the R-2 Single Family Residential District is established in Section 5.3 as 30%.
 - K. Maximum HEIGHT of an accessory structure on a lot less than one acre in area is established in Section 5.3, Footnote 4 as 15 feet.
 - L. Minimum rear yard for a principal structure in the R-2 Single Family Residential District is established in Section 5.3 as 20 feet.

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Page 9 of 22**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, **“Lot has two street frontages that have setbacks. Existing structure predates zoning, new structure is set back further than existing structure.”**
- B. Requiring a variance for the proposed detached garage provides an opportunity to include other dimensional variances so that the property can be brought into complete conformance at one time and the non-conforming house could thus be rebuilt if destroyed.
- C. Regarding Part A of the variance:
- (1) The subject property is a corner lot and therefore has two street frontages.
- (2) There is a stop sign on Center Street at the intersection with South Main Street.
- (3) The existing septic system is severely non-conforming with respect to modern septic system requirements and occupies much less land area than will be required for any replacement septic system.
- D. Regarding Part B of the variance: the house was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.

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: **“Proposed structure would not be feasible if reduction in size and height. Adjacent land is not available. No other location on this lot.”**
- B. Without Part A of the proposed variance: ~~there is no room on the subject property to construct the detached garage.~~
- (1) The maximum allowed lot coverage would limit new building area to 840 square feet, which is larger than the 576 square feet required for a typical 2-car garage, and would leave 70% of the lot area available for a replacement septic system and should result in little negative impact on existing drainage; and
- (2) The maximum allowed height of 15 feet would result in a side wall height of 12 feet, more or less, depending upon the type of roof structure and covering; although

(3) The combination of the minimum required side yard of 5 feet and the minimum required setback of 55 feet along Center Street results in a buildable area of only 16 feet in depth, which is too shallow for a modern garage that needs a depth of more than 20 feet.

C. Without Part B of the proposed variance, the existing non-conforming residence that is the subject of variance Part B cannot be reconstructed in the location should it become damaged or destroyed without first obtaining a variance from the Champaign County Zoning Board of Appeals.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
A. The Petitioner has testified on the application: **“When property was purchased, not aware of setback zoning regulations due to existing structure. Lot predates non-conforming zoning. The lot and structure have not been physically altered.”**

B. Regarding Part A of the variance, the existing septic system came with the property when the petitioner purchased the property, but at the time of application for the variance, the petitioner was advised by the Department of Planning and Zoning to check with the Health Department regarding the size of a replacement septic system.

C. Regarding Part B of the variance, the existing house was constructed prior to the petitioner’s purchase of the property.

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, **“There is no traffic or congestion of these public streets. No hazards to persons or property due to fire, storm, or water runoff.”**
B. Regarding Part A, Subpart 1 of the proposed Variance, for a proposed detached accessory building with a setback of 64 feet and a front yard of 23 feet from the centerline of Main Street (CH 6) in lieu of the minimum required setback of 75 feet and front yard of 30 feet: the setback is 85.3% of the minimum required, for a variance of 16.7%, and the front yard is 76.7% of the minimum required, for a variance of 23.3%.
C. Regarding Part A, Subpart 2 of the proposed Variance, for a proposed detached accessory building with a setback of 34 feet and a front yard of 5 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet: the setback is 61.8% of the minimum required, for a variance of 38.2%, and the front yard is 20% of the minimum required, for a variance of 80%.

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- D. Regarding Part A, Subpart 3 of the proposed Variance, for a proposed detached accessory building with a corner visibility triangle of 28 feet on South Main Street in lieu of the minimum required visibility triangle of 50 feet: the visibility triangle is 56% of the minimum required, for a variance of 44%.
- E. Regarding Part A, Subpart 4 of the proposed Variance, for a proposed detached accessory building with a side yard of 2 feet on the south property line in lieu of the minimum required 5 feet: the side yard is 40% of the minimum required, for a variance of 60%.
- F. Regarding Part A, Subpart 5 of the proposed Variance, for a lot coverage of 62% in lieu of the maximum allowed 30%: the lot coverage is 207% more than the maximum allowed, for a variance of 207%.
- G. Regarding Part A, Subpart 6 of the proposed Variance, for an average height of 19% in lieu of the maximum allowed 15% for an accessory structure on a lot less than one acre in area: the height is 26.7% more than the maximum allowed, for a variance of 26.7%.
- H. Regarding Part B, Subpart 1 of the proposed variance, for the reconstruction of an existing dwelling with a setback of 30 feet and a front yard of 0 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet: the setback is 54.5% of the minimum required, for a variance of 45.5%, and the front yard is 0% of the minimum required, for a variance of 100%.
- I. Regarding Part B, Subpart 2 of the proposed variance, for the reconstruction of an existing dwelling with a separation of one foot from an alley way in lieu of the minimum required rear yard of 20 feet: the rear yard is 5% of the minimum required, for a variance of 95%.
- J. Regarding the proposed variance subparts for setback from street centerline: The Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements. Presumably, the setback from street centerline is intended to ensure the following:
- (1) Adequate separation from roads.
 - a. South Main Street (CH-6) is a County Highway with 80 feet of right-of-way. The 48 feet of pavement width that includes one marked travel lane in each direction and extra-wide parking on both sides of the street, leaving 16 feet of grass parkway adjacent to the subject property.
 - b. Center Street is a local road with 60 feet of right-of-way. The 18 feet of pavement leaves 21 feet of parkway adjacent to the subject property.
 - c. The proposed garage would have approximately the same setback as the house to the south and the warehouse to the north.
 - d. The proposed front yard of 5 feet on Center Street does not provide for a 20 feet parking space in front of the proposed accessory building outside of the right of way, and there is no parking allowed within 10 feet of the front property line without a variance.

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- (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known plans for widening CH-6 or Center Street.
 - (3) Parking, where applicable.
 - a. There is sufficient area for parking even if the County would widen CH-6, which is not anticipated.
 - b. There is sufficient area for parking along Center Street.
- K. Regarding the proposed Variance subparts for side and rear yards, the Zoning Ordinance does not clearly state the considerations that underlie the side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
- (1) Adequate light and air: The subject property is residential in use. The surrounding properties are also residential and commercial.
 - a. The proposed detached building would significantly reduce open space on the subject property.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Scott Fire Protection District and the Seymour fire station is approximately 625 feet from the subject property.
 - a. The nearest structure to the proposed garage on an adjacent lot is a residence located approximately 55 feet to the south.
 - b. The nearest structure to the existing house on an adjacent lot is a residence located approximately 40 feet to the east.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- L. Regarding the proposed Variance subpart for visibility triangle:
- (1) Presumably the visibility triangle requirements are to ensure that there is a sufficient site line for roadway users to safely travel the intersection.
 - (2) P&Z Staff visited the subject property on April 27, 2021, and noted that the proposed building would not impact visibility for a driver at the intersection of Center Street and Main Street (CH-6).
- M. Regarding the proposed Variance subpart for maximum lot coverage:
- (1) Presumably the maximum lot coverage requirements are intended to allow for considerations such as adequate light, air, and adequate area for septic systems.
 - (2) The proposed building would not affect the existing septic system for the house. Should a replacement system be necessary, the proposed building would greatly reduce the available area for a leach field.
 - a. No information has been received from the petitioner regarding whether the Champaign County Health Department would find it feasible to have space for a replacement septic system.

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- b. A special condition has been added to ensure there is sufficient space on the property for a replacement system.
 - c. The proposed lot coverage of 62% would result in an inordinate amount of storm water runoff onto adjacent properties.
 - d. A replacement septic system required to be accommodated by the special condition is assumed, but uncertain, to require at least 2,800 square feet of land area, which would offset the proposed increase in lot coverage and would reduce the amount of building area that could be constructed at the proposed height and prevent encroachment into the corner visibility triangle.
- N. Regarding the proposed Variance subpart for height:
- (1) Presumably the height requirements are to ensure that there are no shade or visual impediments for adjacent neighbors.
 - (2) The adjacent building to the north, also owned by the petitioner, is approximately 16.5 feet tall, provided as perspective for the proposed 19 feet tall detached garage.
- O. The requested variance is not prohibited by the *Zoning Ordinance*.

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, **“There will be adequate room for firefighting equipment. Fire station is 2 blocks away. This would not obstruct visibility at corner. Property fronts secondary road. Low traffic. Construction would not impair drainage or generate noise, odor, or visibility.”**
 - B. The Scott Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The County Highway Engineer has been notified of this variance, and no comments have been received.
 - D. The Scott Fire Protection District, including the Seymour Fire Station, has been notified of this variance, and ~~no comments have been received~~Seymour Fire Chief Paul Klein provided the following comment in an email received May 5, 2021:
 - (1) The Seymour Vol. Fire Dept would like to object to the rezoning request for the property at 105 E. Center St., Seymour. We feel that the size of this building in this Family setting is too large. The intersection of E. Center St. and Main St. is a traffic hazard. This corner has a traffic vision problem to the South to begin with due to parking cars and bushes. Secondly this building is more than what a 2 car garage

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would be this close to the house and will be an added fire hazard for fireman to work around in the unfortunate case of a fire at the house or the building.

E. The following comments were received from adjacent landowners regarding the proposed variance and distributed with Supplemental Memorandum #1 dated May 11, 2021:

(1) Phil Carper submitted photos and testimony received May 5th and May 11th that expressed opposition to Part A of the variance, citing concerns about flooding and potential damage to properties, and traffic.

(2) Marcia Randol submitted a letter received May 7, 2021 that expressed opposition to the proposed construction, citing concerns about flooding, visibility for motorists, and the size of the proposed garage being too large for residential use.

(3) Shannon Harness-Simmons lives in the house south of the subject property. In an email received May 11, 2021, she expressed opposition to the proposed construction, citing concerns about how the proposed building might increase runoff that would over-saturate their leach field and cause their septic tank to back up into their yard.

F. Photos with annotations were received from the petitioner on May 7, 2021. The notes stated:

(1) That the proposed garage would be 3 feet shorter than the house to the south;

(2) That the north face of the proposed garage would set back farther south than the existing house on the property;

(3) That the proposed garage would set back from Main Street approximately the same distance as the house to the south; and

(4) That the proposed garage would be 2 feet shorter than the building on the other side of Main Street to the west.

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, **“This entire block is non-conforming. I own the property across the street to the north, and applied for the same variance. It was granted and the village is very happy with the structure.”**

(1) Unlike the subject property, which is in the R-2 Single Family Residence Zoning District, the property to the north is in the B-5 Central Business Zoning District, which has no setback yard or yard minimum requirements, and the lot coverage can be 100%.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

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- A. **The Zoning Administrator shall not authorize a Zoning Use Permit without documentation from the County Health Department that there is sufficient area on the subject property for a replacement leach field based on the following:**
- (1) The petitioner shall apply to the Health Department for a replacement septic system, including soil investigation results prepared by a soil scientist, and the petitioner shall pay the fee for a Health Department septic system permit.**
 - (2) The petitioner shall not be required by this special condition to install a replacement septic system but shall maintain the area approved by the Health Department for a replacement septic system free of any new construction that requires a variance. If the petitioner or a future owner does install a replacement septic system at a future date, a new Health Department application and new fees for that future replacement septic system may be required.**
 - (3) If no replacement septic system can be approved by the Health Department, then no additional construction is authorized by this variance.**

The special condition stated above is required to ensure the following:

That ~~the~~ any replacement septic system conforms to State requirements for private sewage systems.

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DOCUMENTS OF RECORD

1. Variance Application received March 25, 2021, with attachment:
 - A Site Plan

2. Preliminary Memorandum dated May 4, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 25, 2021
 - C Annotated aerial created by P&Z Staff dated April 9, 2021
 - D Site Photos taken April 27, 2021
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated May 13, 2021

3. Supplemental Memorandum #1 dated May 12, 2021, with attachments:
 - A Letter and photos from Phil Carper received May 5, 2021
 - B Email from Chief Paul Klein, Seymour Fire Department received May 5, 2021
 - C Letter from Marcia Randol received May 7, 2021
 - D Photos from petitioner Steve Mechling received May 7, 2021
 - E Photos from Phil Carper received May 11, 2021
 - F Email from Shannon Harness-Simmons received May 11, 2021
 - G Revised Summary of Evidence, Finding of Fact, and Final Determination dated May 13, 2021

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Page 17 of 22**SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **007-V-21** held on **May 13, 2021**, 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:
 - a. Regarding Part A of the variance:**
 - (1) The subject property is a corner lot and therefore has two street frontages.**
 - (2) There is a stop sign on Center Street at the intersection with South Main Street.**
 - (3) The existing septic system is severely non-conforming with respect to modern septic system requirements and occupies much less land area than will be required for any replacement septic system.**
 - b. Regarding Part B of the variance: the existing house was built prior to adoption of the Zoning Ordinance on October 10, 1973.**

2. **Regarding practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied:**
 - a. ~~Without the proposed variance, there is no room on the subject property to construct the detached garage.~~ Regarding Part A of the variance, 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:**
 - (1) The maximum allowed lot coverage would limit new building area to 840 square feet, which is larger than the 576 square feet required for a typical 2-car garage, and would leave 70% of the lot area available for a replacement septic system and should result in little negative impact on existing drainage; and**
 - (2) The maximum allowed height of 15 feet would result in a side wall height of 12 feet, more or less, depending upon the type of roof structure and covering; although**
 - (3) The combination of the minimum required side yard of 5 feet and the minimum required setback of 55 feet along Center Street results in a buildable area of only 16 feet in depth, which is too shallow for a modern garage that needs a depth of more than 20 feet.**
 - b. Regarding Part B of the variance, 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 *the existing non-conforming residence that is the subject of variance Part B cannot be reconstructed in the location should it become damaged or destroyed without first obtaining a variance from the Champaign County Zoning Board of Appeals.***

3. **Regarding whether** the special conditions, circumstances, hardships, or practical difficulties result from actions of the applicant:
 - a. The petitioner was not aware of the property limitations when he purchased the property in 1997. Regarding Part A of the variance, the special conditions,**

circumstances, hardships, or practical difficulties {DO / DO NOT} result from actions of the applicant because: *the existing septic system came with the property when the petitioner purchased the property, but at the time of application for the variance, the petitioner was advised by the Department of Planning and Zoning to check with the Health Department regarding the size of a replacement septic system.*

b. Regarding Part B of the variance, the special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT} result from actions of the applicant because: *the existing house was constructed prior to the petitioner's purchase of the property.*

4. Regarding whether the requested variance is or is not in harmony with the general purpose and intent of the Ordinance:

a. Part A of the requested variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance because:

(1) *The proposed front yard of 5 feet on Center Street does not provide for a 20 feet parking space in front of the proposed accessory building outside of the right of way, and there is no parking allowed within 10 feet of the front property line without a variance; and*

(2) *The proposed lot coverage of 62% would result in an inordinate amount of storm water runoff onto adjacent properties; however*

(3) *A replacement septic system required to be accommodated by the special condition is assumed, but uncertain, to require at least 2,800 square feet of land area, which would offset the proposed increase in lot coverage and would reduce the amount of building area that could be constructed at the proposed height and prevent encroachment into the corner visibility triangle.*

b. Part B of the variance {IS / IS NOT} in harmony with the general purpose and intent of the Ordinance because: *non-conforming structures are allowed to continue, and can be replaced with an approved variance.*

5. Regarding whether 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:

a. Part A of 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:

(1) *The Township Road Commissioner, and County Highway Engineer, ~~and~~ Seymour Fire Station Chief were ~~all~~ notified of the proposed variance, and no comments have been received.*

(2) *The subject property is two blocks from the fire station. The nearest structure to the proposed garage on an adjacent lot is a residence located approximately 55 feet to the south. The nearest structure to the existing house on an adjacent lot is a residence located approximately 40 feet to the east.*

(3) *In an email from Chief Paul Klein received May 5, 2021, the Seymour Fire Department objected to the request because the Fire Department felt that the size of the building was too large; the intersection of East Center Street and South Main Street is a traffic hazard due to traffic vision problems; and the size*

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of the building is an added fire hazard to work around in the unfortunate case of a fire at the house or the proposed building.

- (4) A replacement septic system required to be accommodated by the special condition is assumed, but uncertain, to require at least 2,800 square feet of land area, which would reduce the amount of building area that could be constructed and prevent encroachment into the corner visibility triangle.
- (5) Letters opposing Part A of the variance were received from the following neighbors:
- a. Mr. Phil Carper and Mrs. Marcia Randol, both of whom own land adjacent to the subject property, expressed concerns about drainage, traffic, and the proposed garage being too large for a residential use.
- b. Shannon Harness-Simmons, who lives in the house south of the subject property, expressed concern about how the proposed building might increase runoff that would over-saturate their leach field and cause their septic tank to back up into their yard.
- (6) Petitioner Steve Mechling submitted annotated photos showing that the proposed garage would be shorter than adjacent structures and setback from adjacent roads at approximately the same distance or farther from buildings surrounding it.

b. Part B of the requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because there is no proposed change on the ground.

6. Regarding whether the requested variance is or is not the minimum variation that will make possible the reasonable use of the land/structure:

- a. Part A of the variance {SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT} the minimum variation that will make possible the reasonable use of the land/structure because:
- (1) A replacement septic system required to be accommodated by the special condition is assumed, but uncertain, to require at least 2,800 square feet of land area, which would reserve land area for a replacement septic system and also offset the proposed increase in lot coverage and would reduce the amount of building area that could be constructed at the proposed height.
- b. Part B of the variance {IS / IS NOT} the minimum variation that will make possible the reasonable use of the land/structure.

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit without documentation from the County Health Department that there is sufficient area on the subject property for a replacement leach field based on the following:**
- (1) **The petitioner shall apply to the Health Department for a replacement septic system, including soil investigation results prepared by a soil scientist, and the petitioner shall pay the fee for a Health Department septic system permit.**

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- (2) **The petitioner shall not be required by this special condition to install a replacement septic system but shall maintain the area approved by the Health Department for a replacement septic system free of any new construction that requires a variance. If the petitioner or a future owner does install a replacement septic system at a future date, a new Health Department application and new fees for that future replacement septic system may be required.**
- (3) **If no replacement septic system can be approved by the Health Department, then no additional construction is authorized by this variance.**

The special condition stated above is required to ensure the following:

That ~~the~~ any replacement septic system conforms to State requirements for private sewage systems.

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FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **007-V-21** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Stephen Mechling**, to authorize the following variance in the R-2 Single Family Residence Zoning District:

PART A

Authorize the construction and use of a proposed detached accessory building on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 64 feet and a front yard of 23 feet from the centerline of Main Street (CH 6) in lieu of the minimum required setback of 75 feet and front yard of 30 feet.

Subpart 2: A setback of 34 feet and a front yard of 5 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.

Subpart 3: A corner visibility triangle of 28 feet on South Main Street in lieu of the minimum required visibility triangle of 50 feet.

Subpart 4: A side yard for a detached building of 2 feet in lieu of the minimum required side yard of 5 feet.

Subpart 5: A lot coverage of 62% in lieu of the maximum allowed lot coverage of 30%.

Subpart 6: An average height of 19 feet in lieu of the maximum allowed average height of 15 feet.

PART B

Authorize the reconstruction of an existing dwelling, as required, on a lot in the R-2 Single Family Zoning District with the following Variance from Section 5.3 of the Zoning Ordinance:

Subpart 1: A setback of 30 feet and a front yard of 0 feet from the centerline of Center Street in lieu of the minimum required setback of 55 feet and front yard of 25 feet.

Subpart 2: A separation of one foot from an alley way in lieu of the minimum required rear yard of 20 feet.

{ SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS: }

- A. The Zoning Administrator shall not authorize a Zoning Use Permit without documentation from the County Health Department that there is sufficient area on the subject property for a replacement leach field based on the following:**

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- (1) The petitioner shall apply to the Health Department for a replacement septic system, including soil investigation results prepared by a soil scientist, and the petitioner shall pay the fee for a Health Department septic system permit.**
- (2) The petitioner shall not be required by this special condition to install a replacement septic system but shall maintain the area approved by the Health Department for a replacement septic system free of any new construction that requires a variance. If the petitioner or a future owner does install a replacement septic system at a future date, a new Health Department application and new fees for that future replacement septic system may be required.**
- (3) If no replacement septic system can be approved by the Health Department, then no additional construction is authorized by this variance.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date