

CASE NO. 013-V-21

PRELIMINARY MEMORANDUM

July 6, 2021

Petitioner: **Michael Royse, via agent Collin Carlier**

Request: **Authorize the following variance in the R-1 Single Family Residence Zoning District, on the subject property described below:**

Part A: Authorize a variance for an existing residence and proposed additions to have a lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing residence with a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per Section 5.3, Footnote 8 of the Zoning Ordinance.

Subject Property: **Lot 38 of Maynard Lake 1st Subdivision in Section 21, Champaign Township, and commonly known as the residence with an address of 1926 Maynard Drive, Champaign.**

Site Area: **9,277 square feet (.21 acre)**

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

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

BACKGROUND

The petitioner would like to add a covered porch to the back of the house facing the lake, and a covered front porch. The petitioner has proceeded with outdoor hardscaping in the rear yard, but has not started construction on the additions. The house was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973. When constructed, the house had a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet. The house also covered 34% of the lot at the time in lieu of the maximum allowed 30%. The proposed porches increase the lot coverage to 42%.

A complicating factor in the lot coverage is that part of the lot is now submerged in the lake. The petitioner's architect provided an estimated deduction for the submerged area. John Hall, Zoning Administrator, determined that using the original lot area with the current deduction for the submerged area would be appropriate to use for calculating the variance for lot coverage.

Both parts of the variance are required so the petitioner can rebuild should the house be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, 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 in Champaign Township, which does not have a Plan Commission. Townships with Plan Commissions do have protest rights on a variance and are notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	R-1 Single Family Residence
North	Residential	R-1 Single Family Residence
East	Maynard Lake	R-1 Single Family Residence
West	Residential	R-1 Single Family Residence
South	Residential	R-1 Single Family Residence

PROPOSED SPECIAL CONDITIONS

No special conditions are proposed at this time.

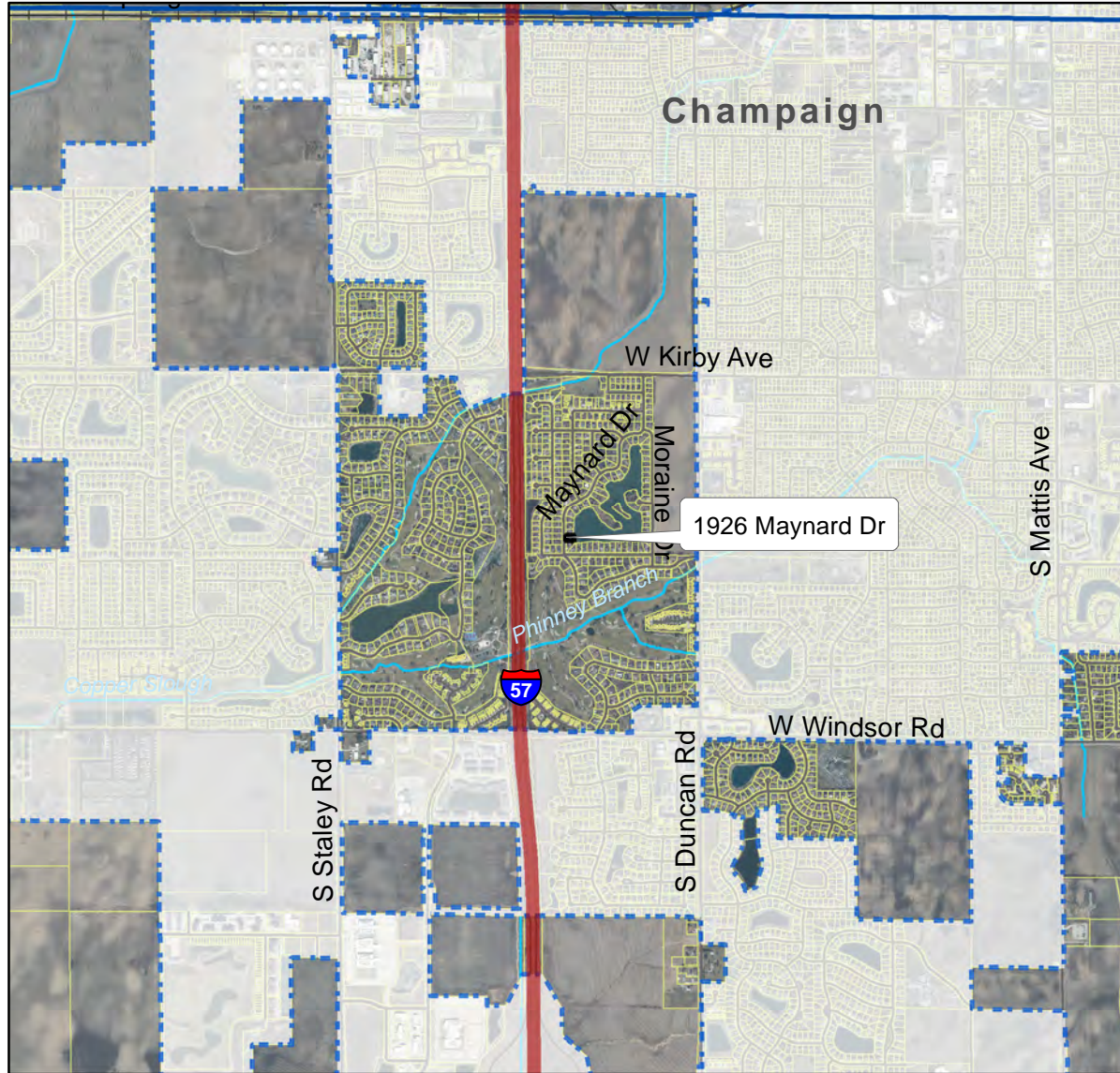
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan from ZUPA# 96-21-01 received April 6, 2021 and Site Plan received May 5, 2021:
Existing Site Plan Survey and Proposed Site Plan Survey (Deduct Lake)
- C Topographic Boundary Survey by BKD Engineering
- D Andrew Fell Architecture Sheets:
 - Existing Site Plan Survey and Proposed Site Plan Survey
 - Existing Site Plan - GIS and Proposed Site Plan with Addition – GIS
 - Site Survey
 - Street View, Bird’s Eye View, Site Survey View, Entryway View
 - View from Lake, View from Patio, View from Lake from SE, View from Lake from NE
 - Approved Plat of Subdivision for Maynard Lake 1
- E Images of Subject Property taken May 13, 2021
- F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination dated July 15, 2021




Location Map

Case 013-V-21
July 15, 2021

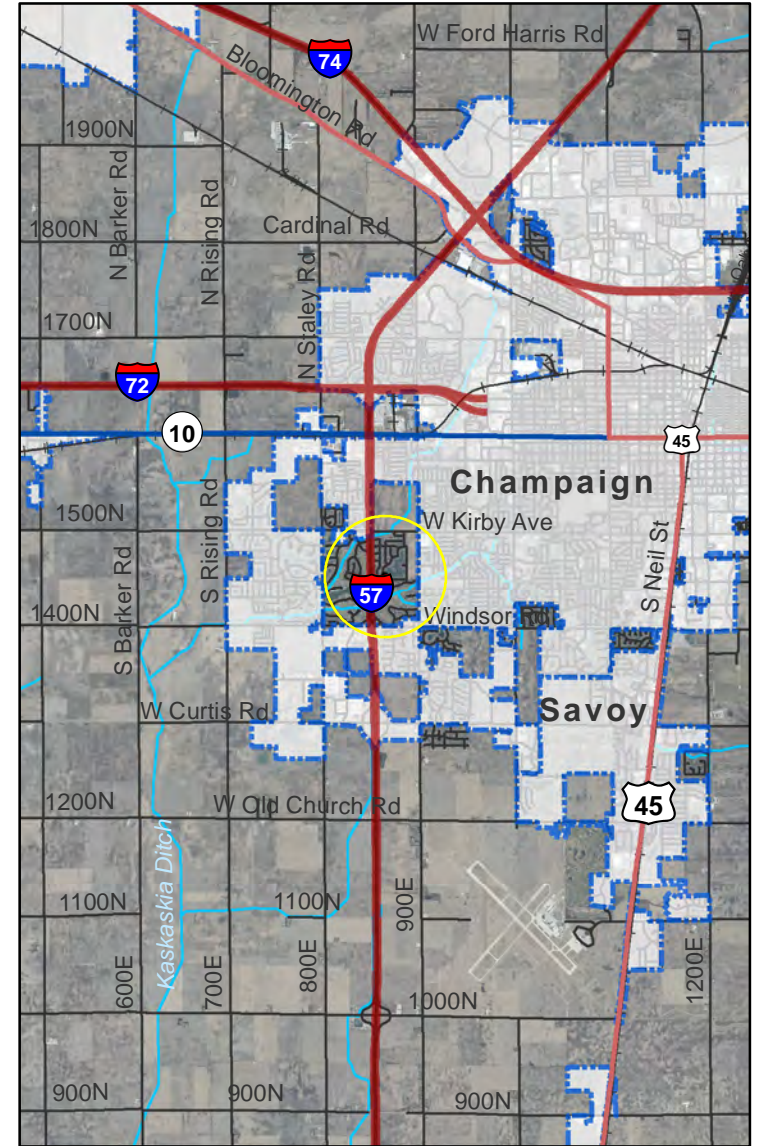
Subject Property



Legend

-  Subject Property
-  Municipal Boundary
-  Parcels

Property location in Champaign County



0 0.5 1 2 Miles




Champaign County
Department of
PLANNING &
ZONING

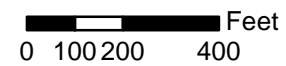
Land Use Map

Case 013-V-21
July 15, 2021



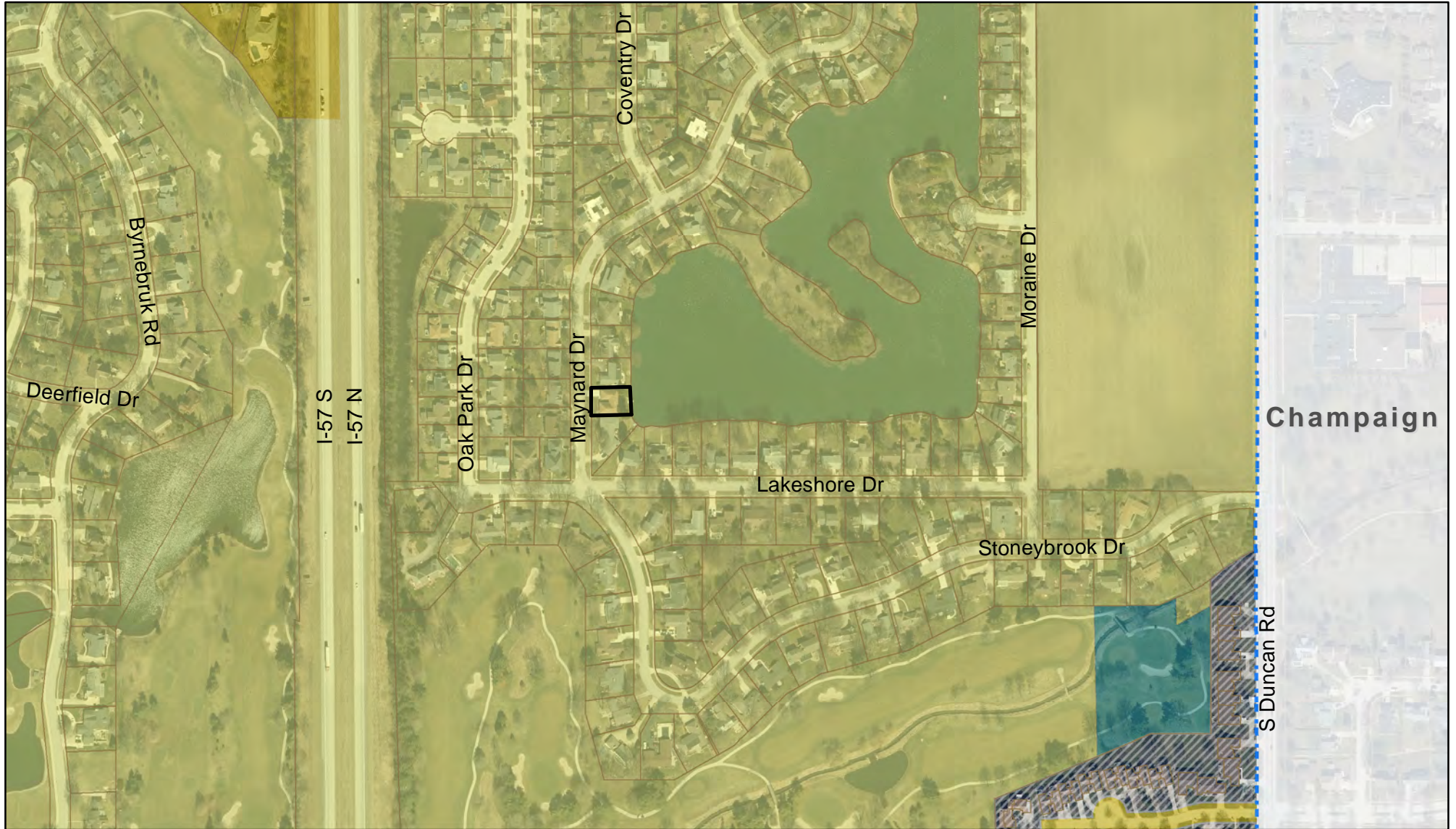
Legend

-  Subject Property
-  Municipal Boundary
-  Parcels
-  Agriculture
-  Commons/Golf Course
-  Residential



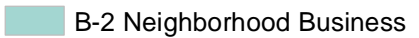


Zoning Map

Case 013-V-21
July 15, 2021



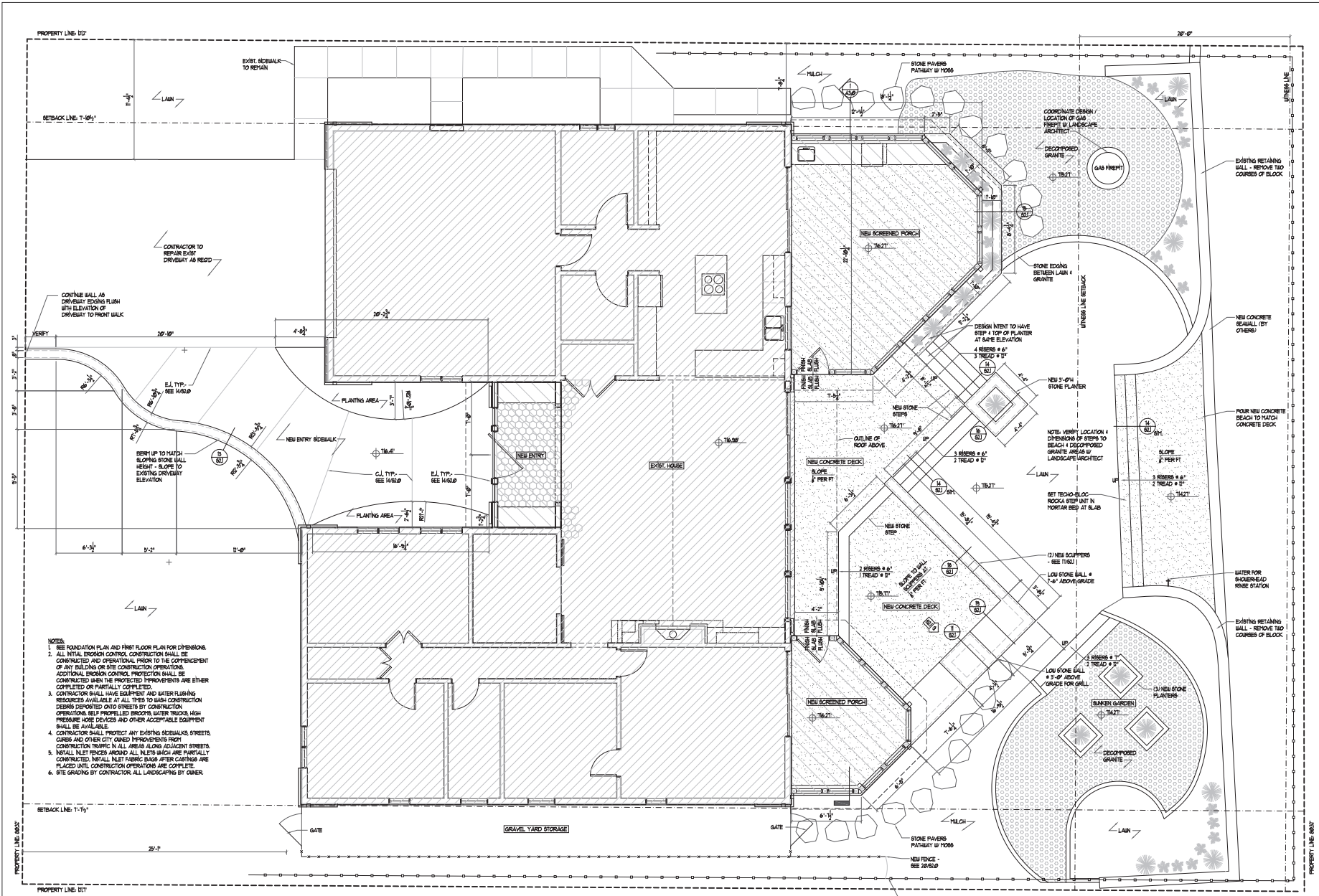
Legend

-  Subject Property
-  Parcels
-  Annexation Agreement
-  R-1 Single Family Residence
-  R-4 Multiple Family Residence
-  B-2 Neighborhood Business

0 100 200 400 Feet



Champaign County
Department of
**PLANNING &
ZONING**



4 SITE PLAN
 510 SCALE: 1/4" = 1'-0"
 NORTH
 0 1 5 10 20

PROJECT # 1901
 DATE: 2020.TE.CM
 (C/M/D/V):

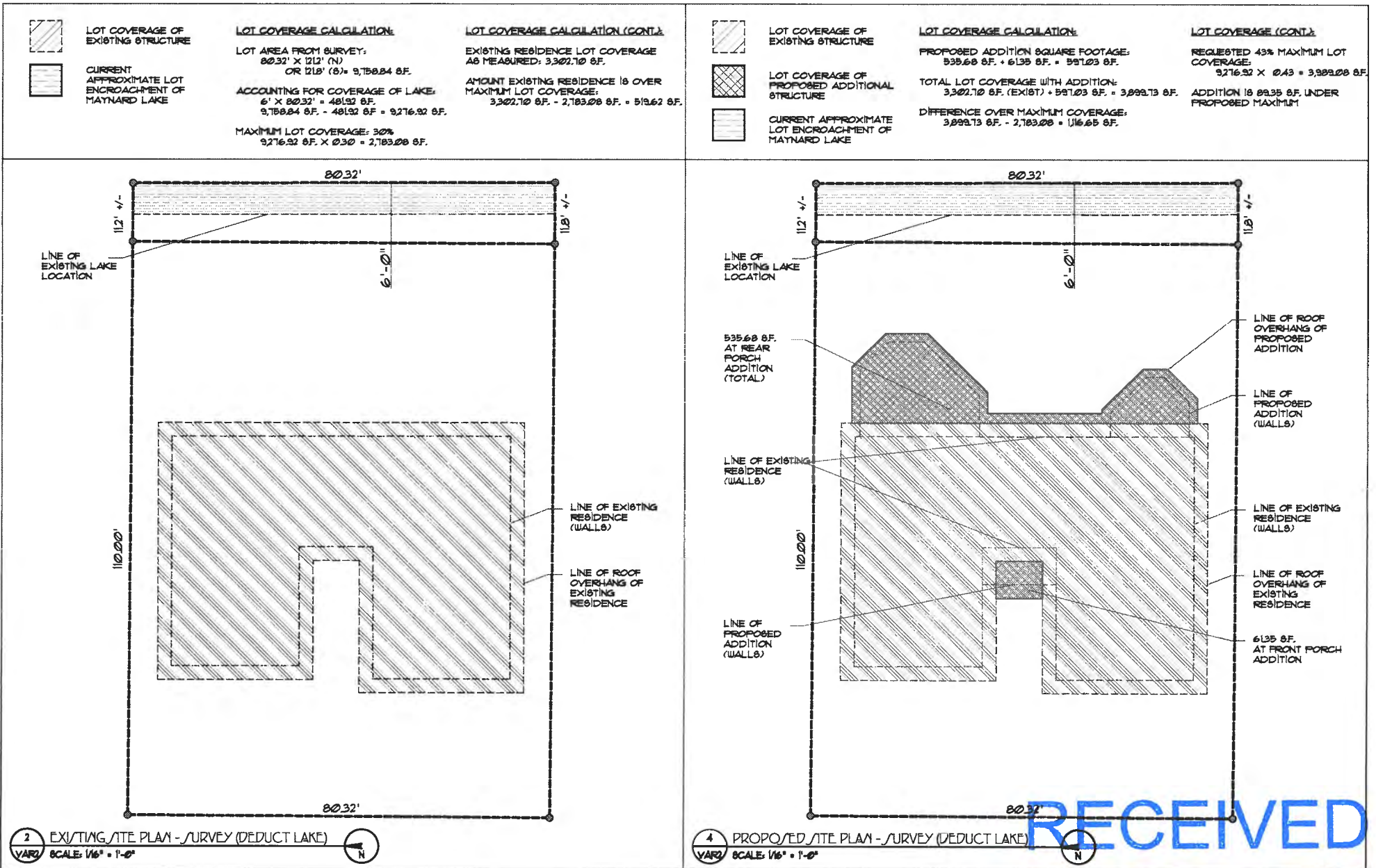
ANDREW FELL
 ARCHITECTURE AND DESIGN
 515 NORTH HICKORY STREET, SUITE 101
 CHAMPAIGN, ILLINOIS 61820
 WWW.ANDREWPELL.COM
 EMAIL: andrew@andrewfell.com

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ROYE RESIDENCE
 REMODEL & ADDITION
 1920 MAYNARD DRIVE
 CHAMPAIGN, ILLINOIS

RECEIVED
 APRIL 6, 2021
 CHAMPAIGN COUNTY
 PLANNING & ZONING

1.0



RECEIVED

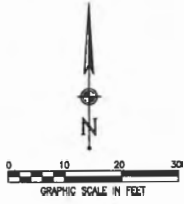
MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

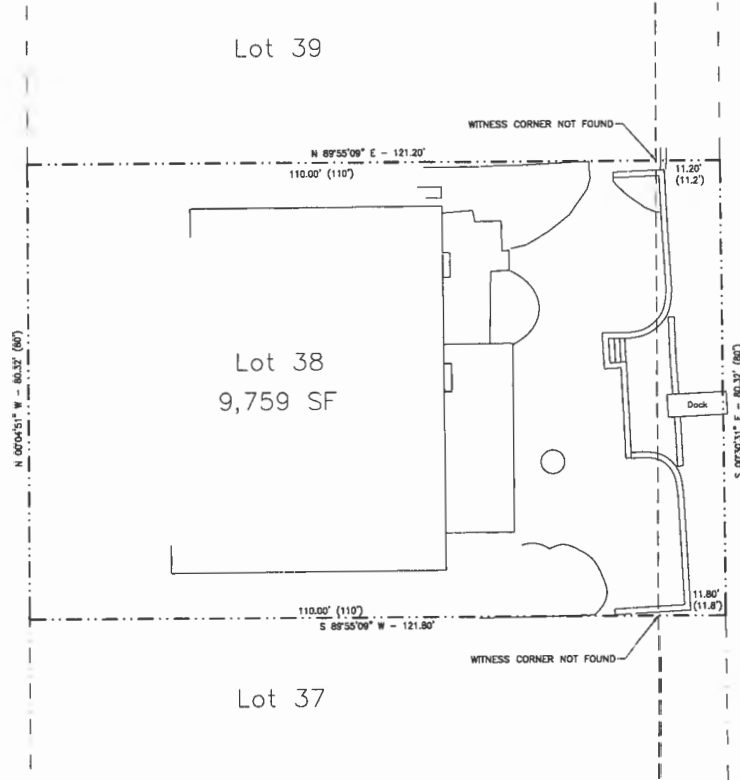
MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT



MAYNARD DRIVE

MAYNARD LAKE

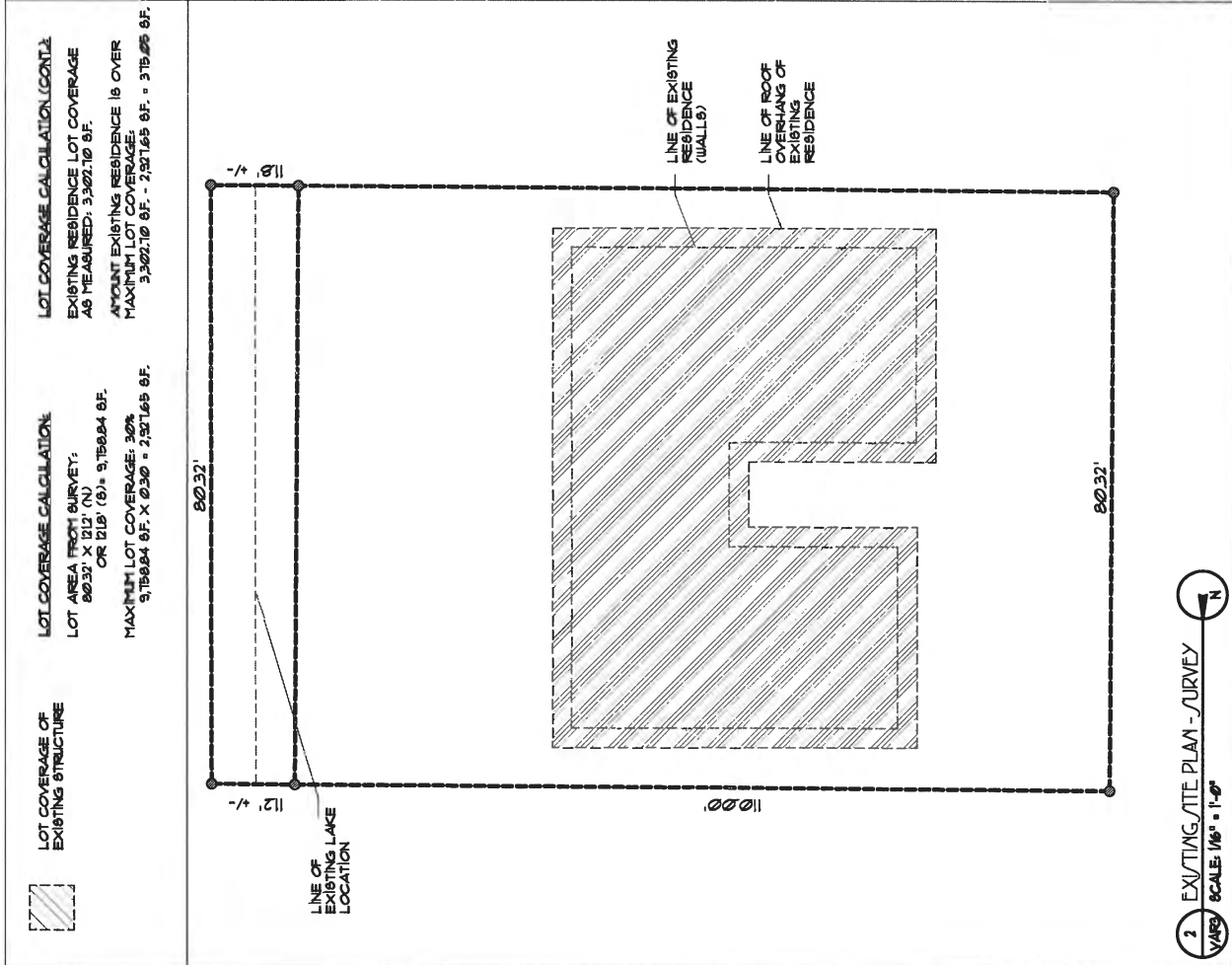


REVISIONS	NO.	DATE	DESCRIPTION

B K B
ENGINEERING
 301 N. WIL. STREET, SUITE 400 | CHAMPAIGN, IL 61820
 CELL: 217.540.3448 | OFFICE: 217.531.2971 | FAX: 217.531.2211

TOPOGRAPHIC / BOUNDARY SURVEY
 1926 MAYNARD DRIVE
 CHAMPAIGN, ILLINOIS

PROJECT: 40-1907
 DESIGN BY:
 DRAWN BY: BKB
 DATE: 4/29/21
 SHEET:
 1



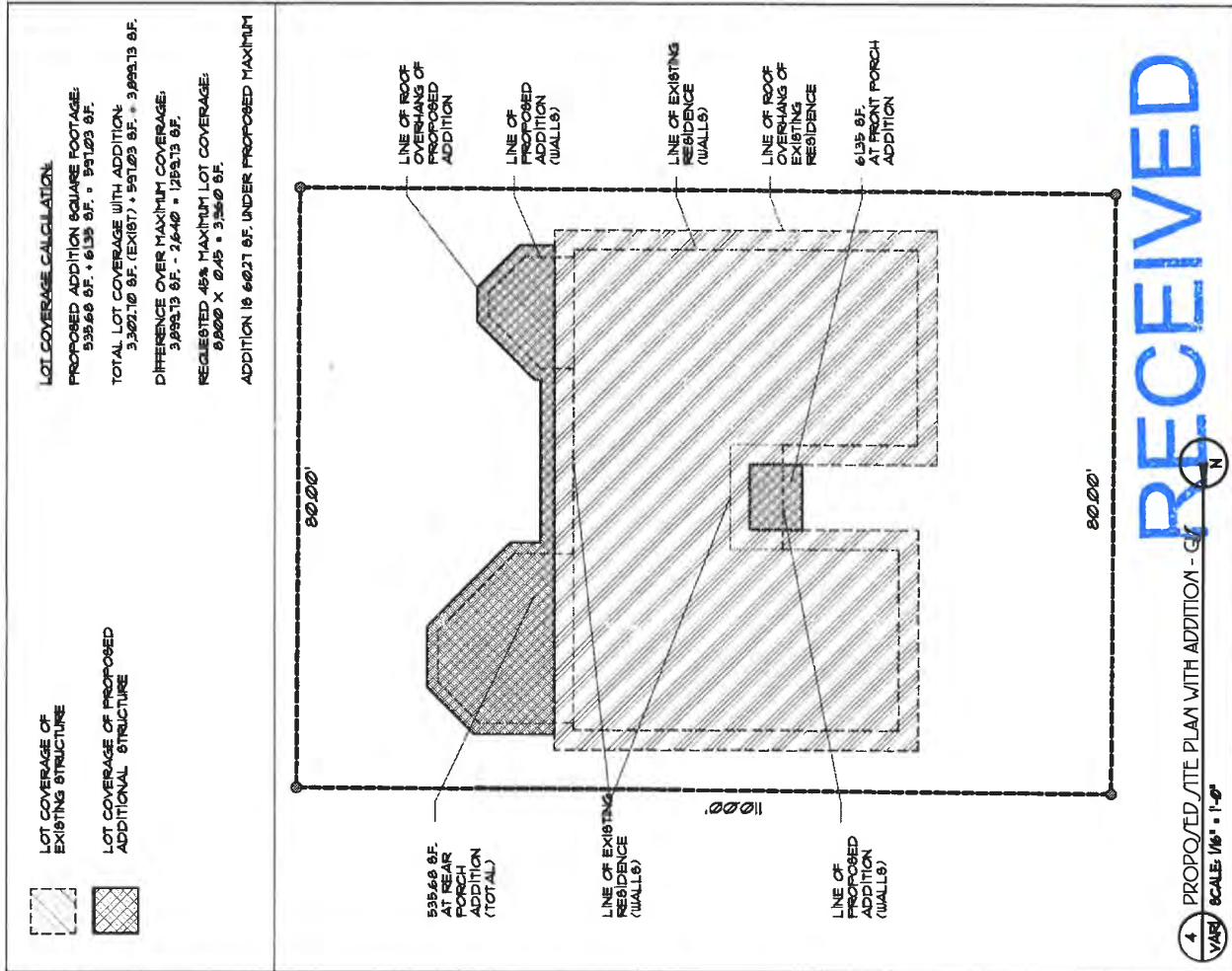
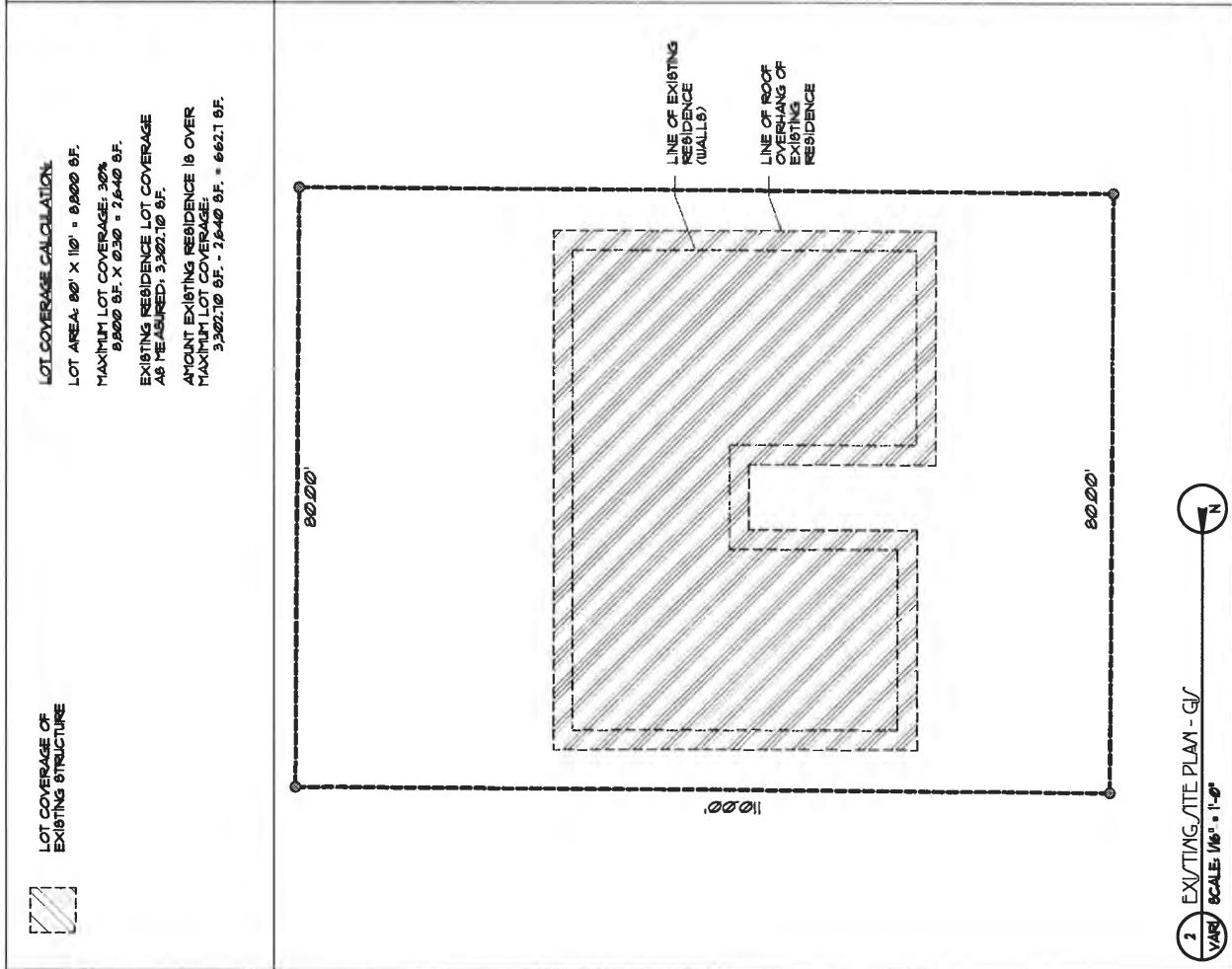
2 EXISTING SITE PLAN - SURVEY
 VARS SCALE: 1/8" = 1'-0"

4 PROPOSED SITE PLAN - SURVEY
 VARS SCALE: 1/8" = 1'-0"

RECEIVED

MAY 05 2021

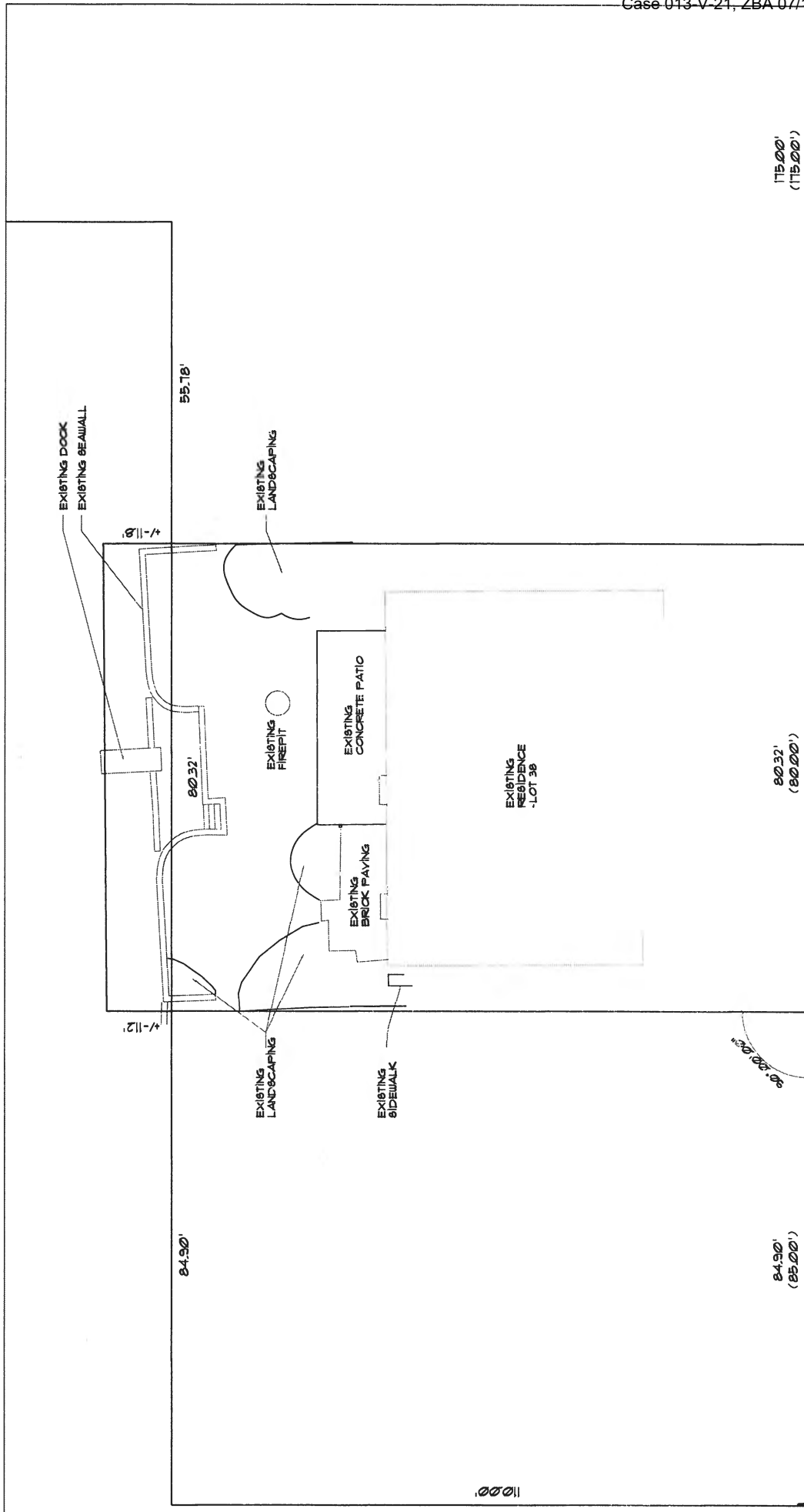
CHAMPAIGN CO. P & Z DEPARTMENT



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MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT



175.00'
(175.00')

80.32'
(80.00')

84.90'
(25.00')

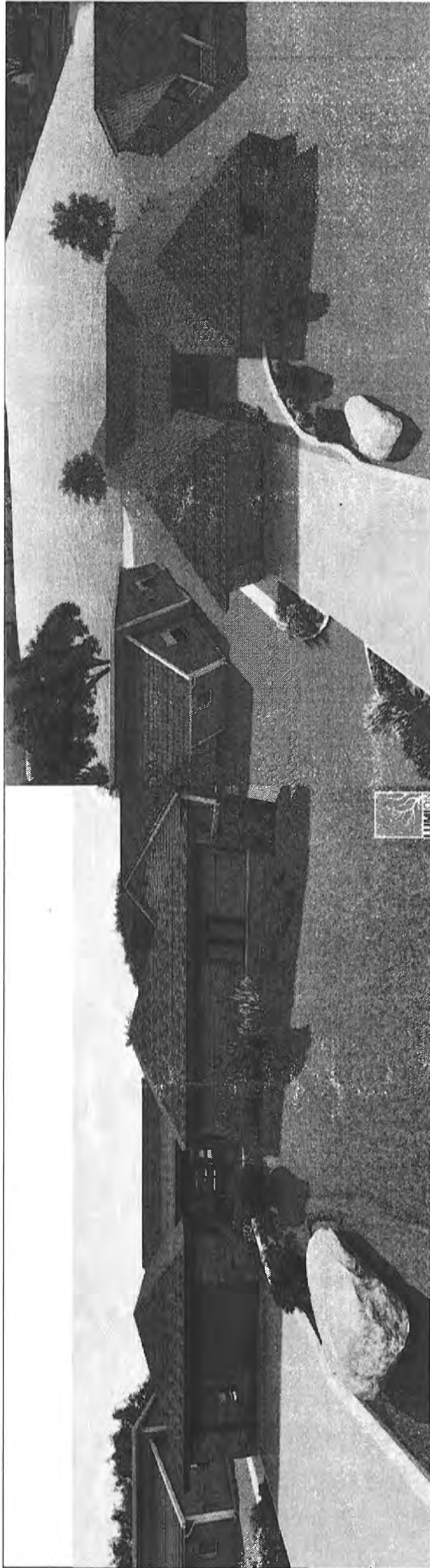
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MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT

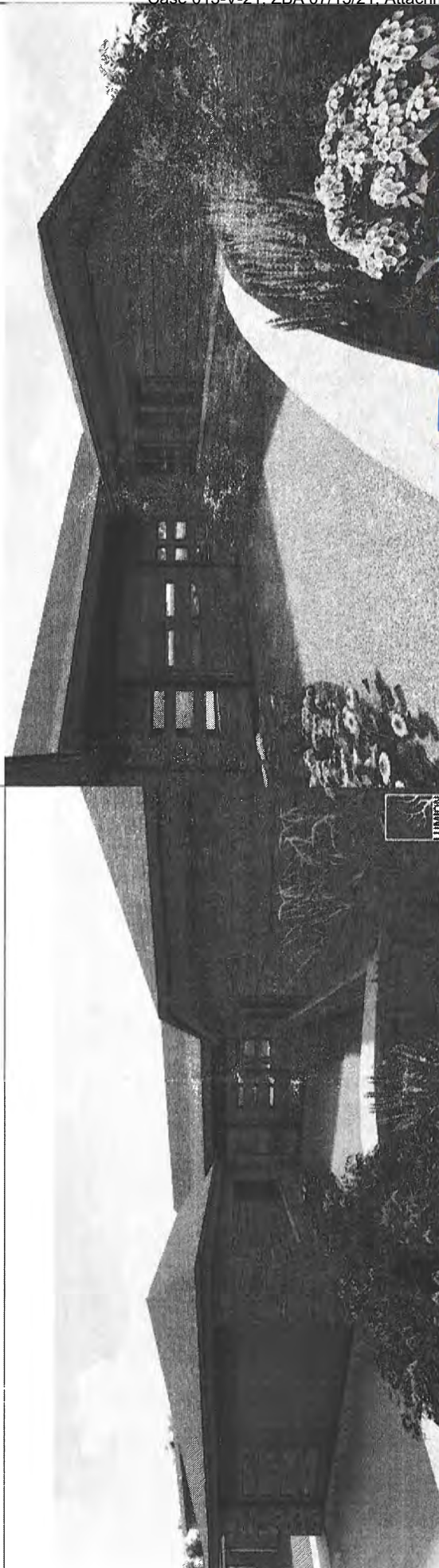


2 SITE SURVEY
SCALE 1/8" = 1'-0"



1 VIEW FROM STREET
 VARY SCALE: NTS

3 BIRD'S EYE VIEW
 VARY SCALE: NTS



2 SITE SURVEY
 VARY SCALE: NTS

4 VIEW AT ENTRYWAY
 VARY SCALE: NTS

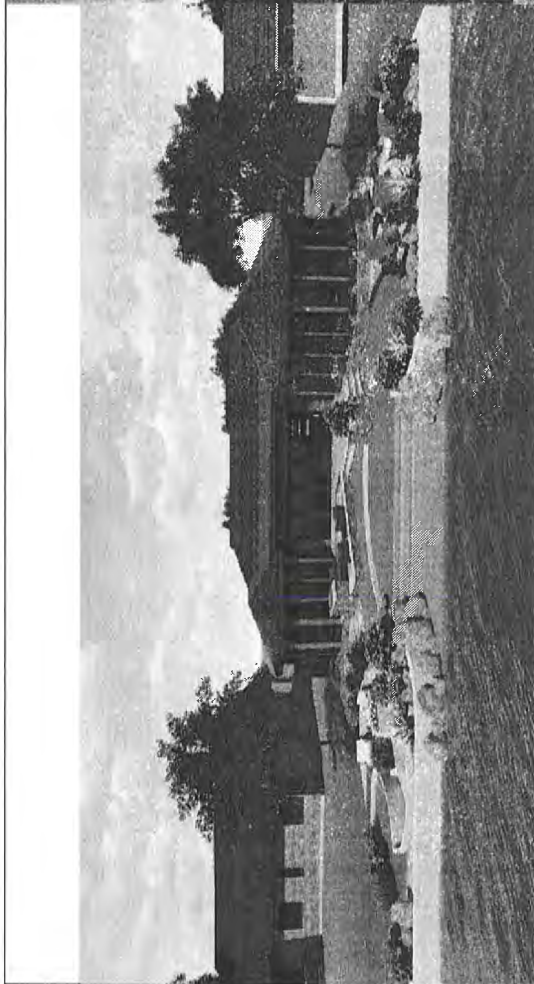
RECEIVED

MAY 05 2021

CHAMPAIGN CO. P & Z DEPARTMENT



3 VIEW FROM PATIO
VARS SCALE: NTS



1 VIEW FROM LAKE
VARS SCALE: NTS



4 VIEW FROM LAKE
VARS SCALE: NTS



2 VIEW FROM LAKE
VARS SCALE: NTS

RECEIVED

MAY 05 2021

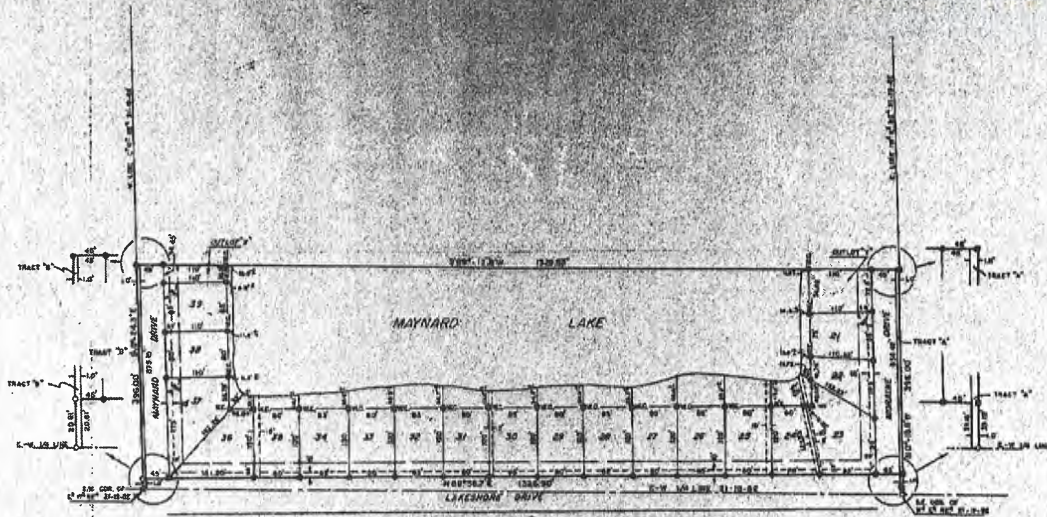
CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

MAY 05 2021

MAYNARD LAKE SUBDIVISION
CHAMPAIGN COUNTY, ILLINOIS

CHAMPAIGN COUNTY, ILLINOIS



STATE OF ILLINOIS
COUNTY OF CHAMPAIGN

SURVEYOR'S CERTIFICATE
I, CHARLES S. DANNER, a Registered Illinois Land Surveyor Number 2170, do hereby certify that I have made a survey of the following described tract of land to wit:

The South 24 rods of the following described property:
The East Half of the West Half of the Northeast Quarter and the West Half of the East Half of the Northeast Quarter of Section 21 in Township 19 North, Range 9 East of the Third Principal Meridian in Champaign County, Illinois, subject to existing John Hayes Drive right-of-way dedication.

I further certify that I have subdivided said tract into lots and streets and have set down pipe and/or concrete surveying monuments as shown on the attached plat of survey. The boundary line of the lots there shown side of said lots is to be the above line of the lots when the water level is at elevation 711.00 feet above mean sea level datum.

The area covered by this plat is within the one and one-half miles of the corporate limits of the City of Champaign, Illinois.

The area covered by this plat is within 500 feet of a surface drain or water course serving a tributary area of 600 acres or more.

Signed and sealed this 5th day of July, A.D., 1966

Charles S. Danner
CHARLES S. DANNER
Registered Illinois Land Surveyor
Urbana, Illinois



LEGEND

Q	IRON PIPE PILING
○	IRON PIPE SET
□	WOODEN COTTAGE
△	UTILITY CANTONMENT
■	CONCRETE SET-BAK
■	CONCRETE ANCHORAGE SET

APPROVED: _____
DATE: 9 SEPTEMBER 1966
PLANNING COMMISSION OF THE CITY OF CHAMPAIGN, ILLINOIS
Donald J. Kelly
SECRETARY

APPROVED: _____
DATE: SEPTEMBER 20, 1966
CITY COUNCIL OF THE CITY OF CHAMPAIGN, ILLINOIS
Emmanuel D. Kelly
MAYOR



CHARLES S. DANNER
CONSULTING ENGINEER
URBANA, ILLINOIS

013-V-21 Site Images



From SE of back yard facing north



From NE of back yard facing south

013-V-21 Site Images



From SE corner of subject property



From NE corner of house facing SE to lake

013-V-21 Site Images



From NE corner of house facing west (north side yard)



From NW corner of house facing east (north side yard)

PRELIMINARY DRAFT

013-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: *{July 15, 2021}*

Petitioner: **Michael Royse, via agent Collin Carlier**

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

Part A: Authorize a variance for an existing residence and proposed additions to have a lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing residence with a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per Section 5.3, Footnote 8 of the Zoning Ordinance.

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 15, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Michael Royse owns the subject property.
2. The subject property is the 9,277 square feet (.21 acre) Lot 38 of Maynard Lake 1st Subdivision in Section 21, Champaign Township, and commonly known as the residence with an address of 1926 Maynard Drive, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, 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 in Champaign Township, which does not have a Plan Commission. Townships with Plan Commissions do 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 0.21-acre subject property is zoned R-1 Single Family Residence Zoning District and is residential in use. The rear yard (east side) fronts Maynard Lake.
 - B. Land surrounding the subject property is also zoned R-1 Single Family Residence 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 received May 5, 2021 indicates the following:
 - (1) The existing 3,303 square feet residence was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - (2) Proposed additions include:
 - a. One 535.68 square feet covered porch on the east side; and
 - b. One 61.35 square feet covered front porch on the west side.
 - B. The following is the only Zoning Use Permit on file for the subject property:
 - (1) ZUPA #96-21-01, pending approval subject to the proposed variance, is to construct two additions to the existing single-family residence.
 - a. The Site Plan for this ZUPA, received April 16, 2021, was used to calculate yards and lot coverage for the variance.
 - C. There are no prior zoning cases for the subject property.

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- D. The required variance is as follows:
- (1) Part A: Authorize a variance for lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of the Zoning Ordinance.
 - (2) Part B: Authorize a variance for an existing residence with a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per Section 5.3, Footnote 8 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) “ALTERATION” is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
 - (2) “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.
 - (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
 - (4) “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.
 - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (6) “LOT 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.
 - (7) “LOT LINES” are the lines bounding a LOT.
 - (8) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
 - (9) “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

PRELIMINARY DRAFT

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.
- (10) “**SPECIAL CONDITION**” is a condition for the establishment of a **SPECIAL USE**.
 - (11) “**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.
 - (12) “**YARD**” is an **OPEN SPACE**, other than a **COURT**, of uniform width or 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.
 - (13) “**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**.
 - (14) “**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-1 Single Family Residence **DISTRICT** is intended to provide areas for single **FAMILY** detached **DWELLINGS** set on **LOTS**, and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
 - C. Section 8.3: Nonconforming structures, states: “Where, on the effective date of adoption or amendment of this ordinance, a lawful **STRUCTURE** exists that could not be built under the regulations and standards of this ordinance as adopted or amended, by reason of restrictions on **LOT AREA**, **LOT COVERAGE**, **HEIGHT**, **YARDS**, spacing between **BUILDINGS**, or other characteristics of the **STRUCTURE** or its location on the **LOT**, such **STRUCTURE** may be continued so long as it remains otherwise lawful subject to the following provisions:
 - (1) No such **STRUCTURE** may be enlarged or **ALTERED** in a way which increases its nonconformity unless a **VARIANCE** is granted by the **BOARD** in accordance with Section 9.1.9.
 - (2) Should such **STRUCTURE** be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a **VARIANCE** is granted by the **BOARD** in accordance with Section 9.1.9.
 - (3) Should any **STRUCTURE** be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the **DISTRICT** in

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which it is located after it is moved unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.

- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - 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.
- E. Minimum lot COVERAGE in the R-1 Single Family District is established in Section 5.3 of the *Zoning Ordinance* as 30%.
- F. Minimum SIDE YARD for a principal structure in the R-1 District is typically 10 feet. However, the subject property is within the one-and-one-half-mile extraterritorial jurisdiction of the City of Champaign, so Section 5.3, Footnote 8 applies.
- (1) Section 3, Footnote 8 states: “Within the one and one-half mile extraterritorial jurisdiction of a zoned home rule municipality, the minimum SIDE YARD shall equal the SIDE YARD of the comparable municipal zoning district in effect on January 1, 2004 as established by the translation table of the municipal ordinance. If the municipal ordinance does not contain a translation table, the Zoning Administrator shall designate the most comparable district. In no case, however, shall the minimum SIDE YARD exceed 10 feet. Where a LOT falls within the one and one-half mile extraterritorial jurisdiction of more than one home rule municipality, the applicable SIDE YARD shall be that of the closest such municipality unless the LOT falls within the extraterritorial jurisdiction of a home rule municipality to which the LOT is subject to annexation pursuant to an annexation agreement or intergovernmental agreement establishing annexation area boundaries, in which case such annexing municipality’s SIDE YARD requirements shall apply.
 - (2) The City of Champaign’s side yard requirement for the equivalent SF-1 Single Family Zoning District is 8 feet.

PRELIMINARY DRAFT

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, **“Discrepancy exists as to the lot area used to calculate land use.”**
 - B. The lot was created and the residence was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - (1) The residence was constructed with the seven feet, seven and one-half inches side yard, less than the minimum required 8 feet.
 - (2) The lot coverage of the original house was 33.8%, greater than the maximum allowed 30%.
 - C. The original Plat of Subdivision approved on September 20, 1966, indicates that “The boundary line of the lake shore side of said lots is to be the shore line of the lake when the water level is at elevation 711.00 feet above mean sea level datum.” The Plat shows Lot 38 as having 110 feet long north and south lot lines, plus an additional 11 feet, 2.4 inches for the north lot line and an additional 11 feet, 9.6 inches for the south lot line.
 - (1) The average lot depth using the north and south lot lines is 121 feet 6 inches.
 - (2) The lot area is therefore 80 feet (width) multiplied by 121 feet 6 inches (average depth), or 9,759 square feet (0.22 acre) and extends into Maynard Lake.
 - (3) With the proposed additions, lot coverage is 40% in this scenario.
 - D. The petitioners provided an estimate of the original Plat of Subdivision with a deduction for the current estimated lot area submerged in the lake on the Site Plan sheet titled “Proposed Site Plan – Survey (Deduct Lake).” This is the lot area that the Zoning Administrator determined would be appropriate to use for the variance.
 - (1) The estimated lot area is 9,759 square feet minus 482 square feet submerged in the lake, for a revised lot area of 9,277 square feet (0.21 acre).
 - (2) Without the proposed additions, lot coverage for the existing house is 34%, which is greater than the maximum allowed 30%.
 - (3) With the proposed additions, lot coverage is 42%.

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, **“Depending upon lot area calculation: we are requesting to use over 30% of the lot to enhance the exterior of the property and**

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the beauty of Maynard Lake. Neighboring properties would also benefit from improving the property.”

- B. Without proposed variance Part A for lot coverage, the petitioner would not be able to add on to the house, and because the original house is non-conforming, could not reconstruct the house should it be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction.
- C. Without proposed variance Part B for side yard, because the original house is non-conforming, the petitioner could not reconstruct the house should it be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction.

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 did not provide a response on the application.
 - B. Regarding proposed variance Part A for lot coverage, the petitioner has not begun construction on the proposed additions, pending the outcome of this variance request.
 - C. Regarding proposed variance Part B for side yard, the house was constructed prior to adoption of the Zoning Ordinance on October 10, 1973. The petitioner purchased the property in December 2016.

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, **“Variance request reflects approximate lot area usage of neighboring properties.”**
 - B. Regarding the proposed Variance Part A, for a lot coverage of 42% in lieu of the maximum allowed 30% in the R-1 district: the requested variance for the total building area of 3,900 square feet is 140% of the maximum allowed, for a variance of 40%.
 - C. Regarding the proposed Variance Part B, for a side yard of 7 feet, 7.5 inches in lieu of the minimum required 8 feet side yard in the R-1 district: the requested variance is 95% of the minimum required, for a variance of 5%.
 - D. Regarding Part A of the proposed Variance:
 - (1) Presumably the maximum lot coverage requirements are intended to allow for considerations such as adequate light, air, recreational areas and adequate area for septic systems.
 - (2) The subject property is connected to public sewer.

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- (3) Lot 38 is slightly smaller than its adjacent lots, but still has sufficient outdoor space and the lake.
- E. Regarding Part B of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlie the side yard requirements. In general, the side yards are presumably intended to ensure the following:
- (1) Adequate light and air: The subject property is in residential use. Lot 38 is slightly smaller than its adjacent lots, but still has sufficient outdoor space and the lake.
- (2) Separation of structures to prevent conflagration: The subject property is served by the Lincolnshire Fire Protection District, which contracts with the Bondville Fire Department. The Bondville fire station is approximately 5.4 road miles from the subject property. The nearest structure to the house on adjacent property is a house to the south that is approximately 10 feet away.
- (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: **“Lake owners’ association (Maynard Lake) has approved the set of plans.”**
- B. The Champaign Township Road Commissioner has been notified of this variance, and no comments have been received.
- C. The Bondville Fire Protection District has been notified of this variance, and 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 has testified on the application: **“Does not appear that the County calculation of 8,800 square feet includes all of the land in this parcel. We are also counting the land that may partially be submerged.”**
- B. County GIS Consortium Maps show all the lake front lots excluding the part of the parcels extending out into the lake that were in the approval Plat of Subdivision. P&Z Staff agrees with the petitioner that the extended areas are part of the lot size and the variance calculations reflect the Plat of Subdivision dimensions minus the current estimated submerged area.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. No special conditions are proposed at this time.

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DOCUMENTS OF RECORD

1. Variance Application received May 5, 2021, with attachments:
 - A Site Plan
 - B Topographic Boundary Survey by BKD Engineering
 - C Andrew Fell Architecture Sheets:
 - Existing Site Plan Survey and Proposed Site Plan Survey
 - Existing Site Plan Survey and Proposed Site Plan Survey (Deduct Lake)
 - Existing Site Plan - GIS and Proposed Site Plan with Addition – GIS
 - Site Survey
 - Street View, Bird’s Eye View, Site Survey View, Entryway View
 - View from Lake, View from Patio, View from Lake from SE, View from Lake from NE
 - Approved Plat of Subdivision for Maynard Lake 1
2. Site Plan from ZUPA# 96-21-01 received April 6, 2021
3. Preliminary Memorandum dated July 6, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan from ZUPA# 96-21-01 received April 6, 2021 and Site Plan received May 5, 2021: Existing Site Plan Survey and Proposed Site Plan Survey (Deduct Lake)
 - C Topographic Boundary Survey by BKD Engineering
 - D Andrew Fell Architecture Sheets:
 - Existing Site Plan Survey and Proposed Site Plan Survey
 - Existing Site Plan - GIS and Proposed Site Plan with Addition – GIS
 - Site Survey
 - Street View, Bird’s Eye View, Site Survey View, Entryway View
 - View from Lake, View from Patio, View from Lake from SE, View from Lake from NE
 - Approved Plat of Subdivision for Maynard Lake 1
 - E Images of Subject Property taken May 13, 2021
 - F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination dated July 15, 2021

PRELIMINARY DRAFT**SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **013-V-21** held on **July 15, 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. *The residence was constructed prior to adoption of the Zoning Ordinance with the seven feet, seven and one-half inches side yard, less than the minimum required 8 feet, and with a lot coverage of 33.8%, greater than the maximum allowed 30%.*
 - b. *The original Plat of Subdivision shows a lot area that is now partially submerged by the lake. The Zoning Administrator has determined that the lot area for the purposes of this variance request is the original lot minus the current estimate of the submerged part of the lot.*
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:
 - a. *Without proposed variance Part A for lot coverage, the petitioner would not be able to add on to the house, and because the original house is non-conforming, could not reconstruct the house should it be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction.*
 - b. *Without proposed variance Part B for side yard, because the original house is non-conforming, the petitioner could not reconstruct the house should it be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *Regarding proposed variance Part A for lot coverage, the petitioner has not begun construction on the proposed additions, pending the outcome of this variance request.*
 - b. *Regarding proposed variance Part B for side yard, the house was constructed prior to adoption of the Zoning Ordinance on October 10, 1973. The petitioner purchased the property in December 2016.*
4. The requested variance **{~~SUBJECT TO THE PROPOSED CONDITION~~ / IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. *The requested variance for lot coverage is 40% over the maximum allowed.*
 - b. *The requested side yard variance is 5% less than the minimum requirement.*
 - c. *There is adequate light and air on the subject property with the lakefront.*
 - d. *The nearest structure on adjacent property is residence to the south that is approximately 10 feet away.*

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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:
 - a. *Relevant jurisdictions have been notified of this variance, and no comments have been received.*

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:
 - a. *The existing house cannot be reduced to meet the side yard and lot coverage requirement.*

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

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FINAL DETERMINATION

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

The Variance requested in Case **013-V-21** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Michael Royse**, to authorize the following variance in the R-1 Single Family Residence Zoning District:

Part A: Authorize a variance for an existing residence and proposed additions to have a lot coverage of 42% in lieu of the maximum allowed 30%, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing residence with a side yard of 7 feet 7 and one-half inches in lieu of the minimum required 8 feet, per Section 5.3, Footnote 8 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