

CASE NO. 049-V-22

PRELIMINARY MEMORANDUM

April 6, 2022

Petitioner: **John Melton**

Request: **Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached garage addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from the street centerline of North Trailside Dr, in lieu of the minimum required 25 feet and 55 feet, per Section 4.3.4 of the Champaign County Zoning Ordinance.**

Subject Property: **Lot 11 of Trailside First Subdivision in Section 13, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, with an address of 902 Surrey Ct, Mahomet.**

Site Area: **21,957 square feet (.5 acre)**

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

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

BACKGROUND

The petitioner requests a variance to construct an attached garage addition to the north side of his residence. While there is room on the 0.5-acre property for a detached garage that would not require a variance, the petitioner prefers to use the existing driveway and have an attached garage rather than having to construct another driveway for a detached garage.

The petitioner's measurement of a 49 foot setback on their site plan is two feet less than P&Z Staff's 47 foot measurement done by aerial photo. Attachment C is an annotated 2020 aerial photo showing the more conservative measurements used for the variance.

North Trailside Drive ends adjacent to the subject property. In an email received March 25, 2022, Village of Mahomet Planner Abby Heckman stated that there are no plans to widen or extend North Trailside Drive at the east end.

No other comments have been received from relevant jurisdictions or the public.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	AG-2 Agriculture
North	Residential	AG-2 Agriculture
South	Residential	AG-2 Agriculture
East	Agriculture	AG-2 Agriculture
West	Residential	AG-2 Agriculture

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, 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 Mahomet Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

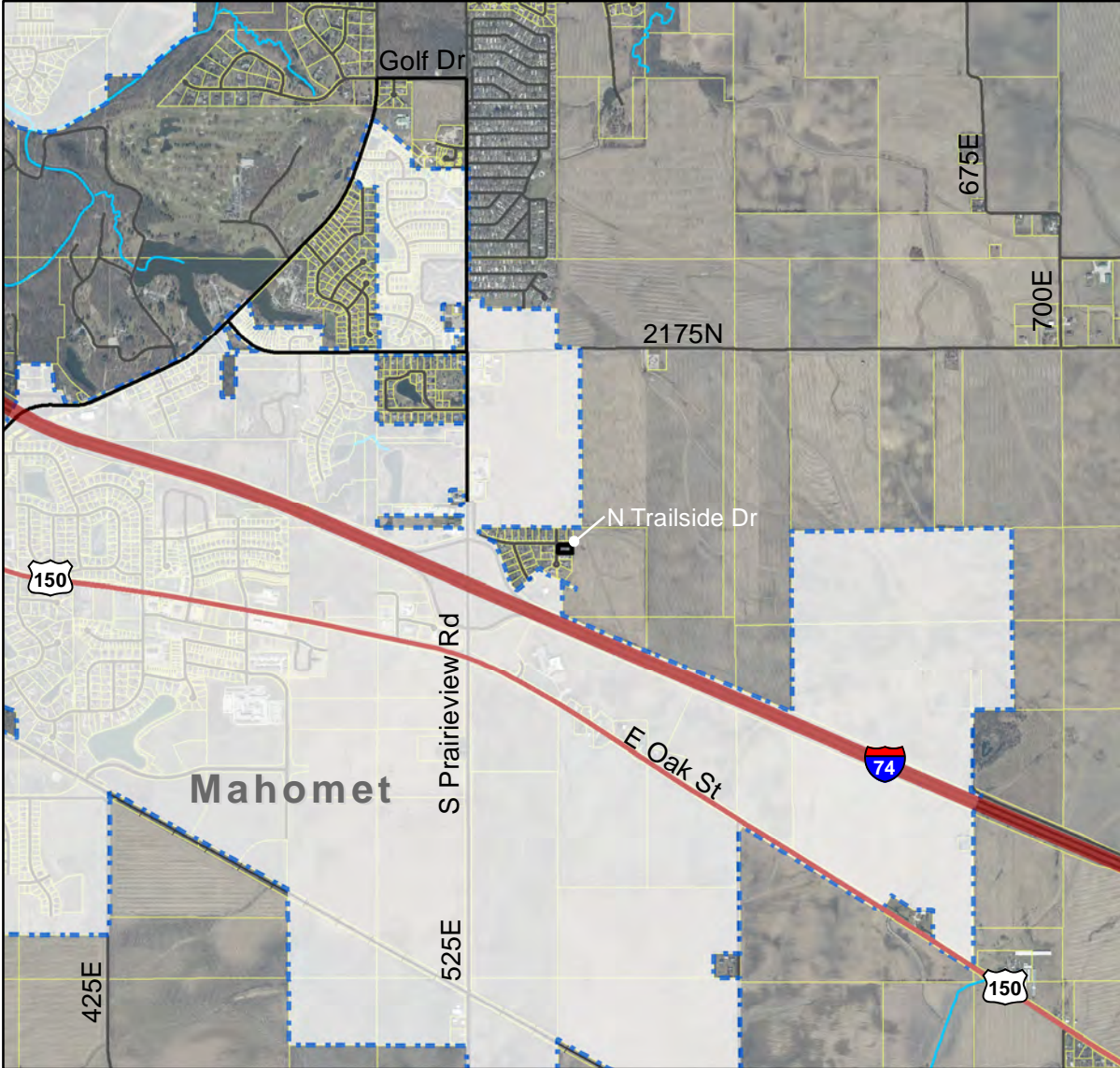
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received March 24, 2022
- C Annotated 2020 aerial photo by P&Z Staff dated March 28, 2022
- D Email from Abby Heckman, Village of Mahomet, received March 25, 2022
- E Images of subject property taken March 25, 2022
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated April 14, 2022

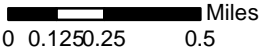
Location Map

Case 049-V-22
April 14, 2022

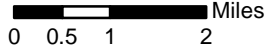
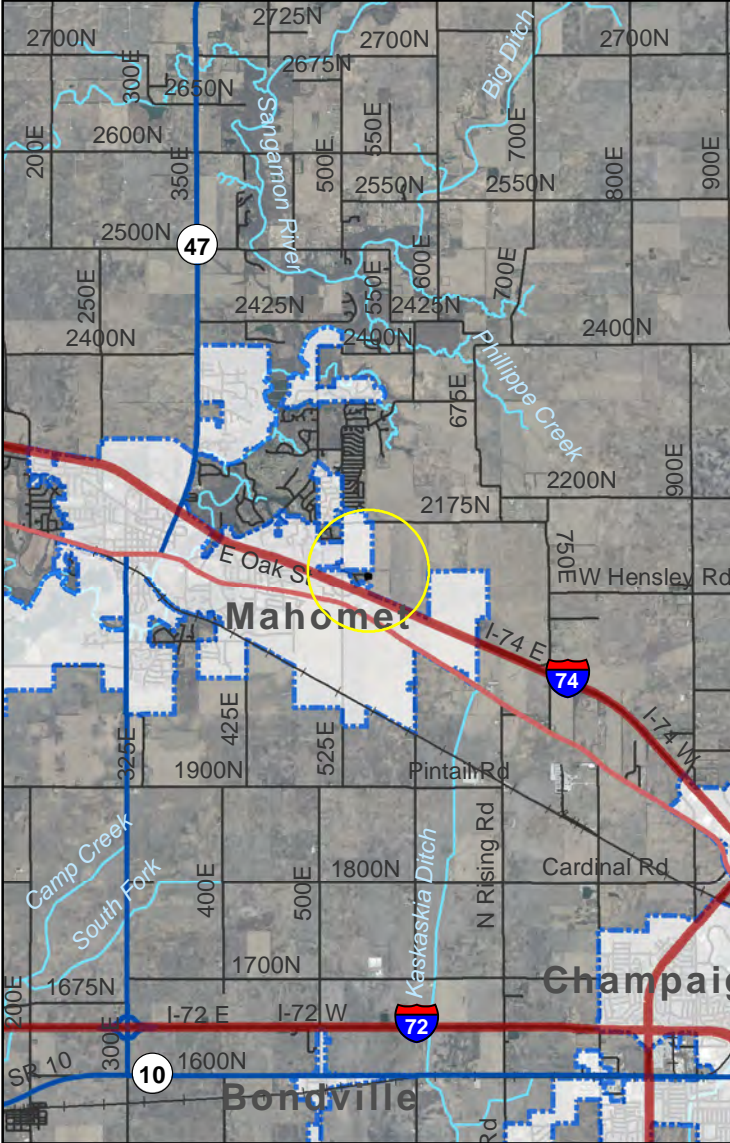
Subject Property



- Legend**
- Subject Property
 - Parcels
 - Municipal Boundary



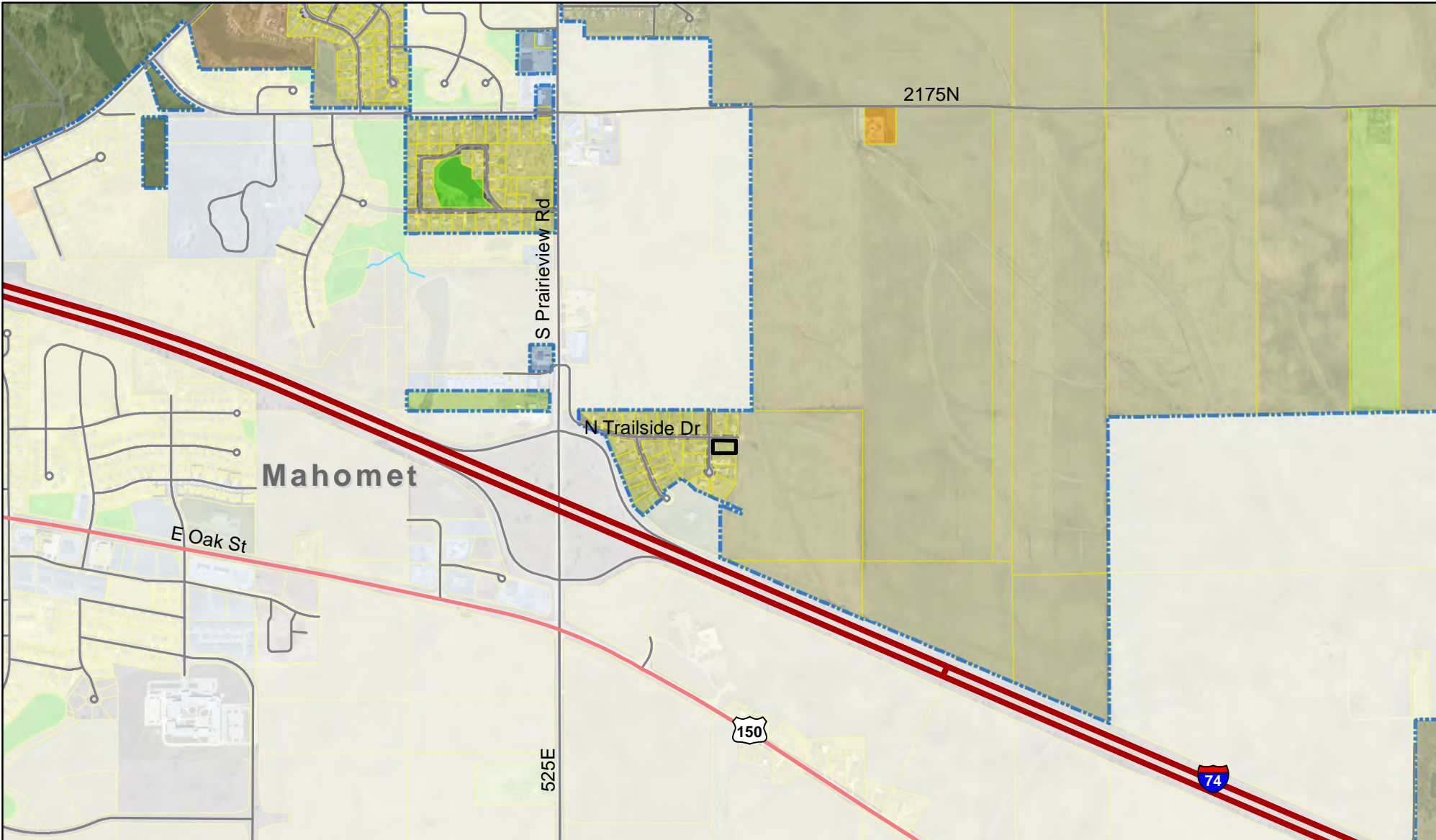
Property location in Champaign County



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 049-V-22
April 14, 2022



Legend

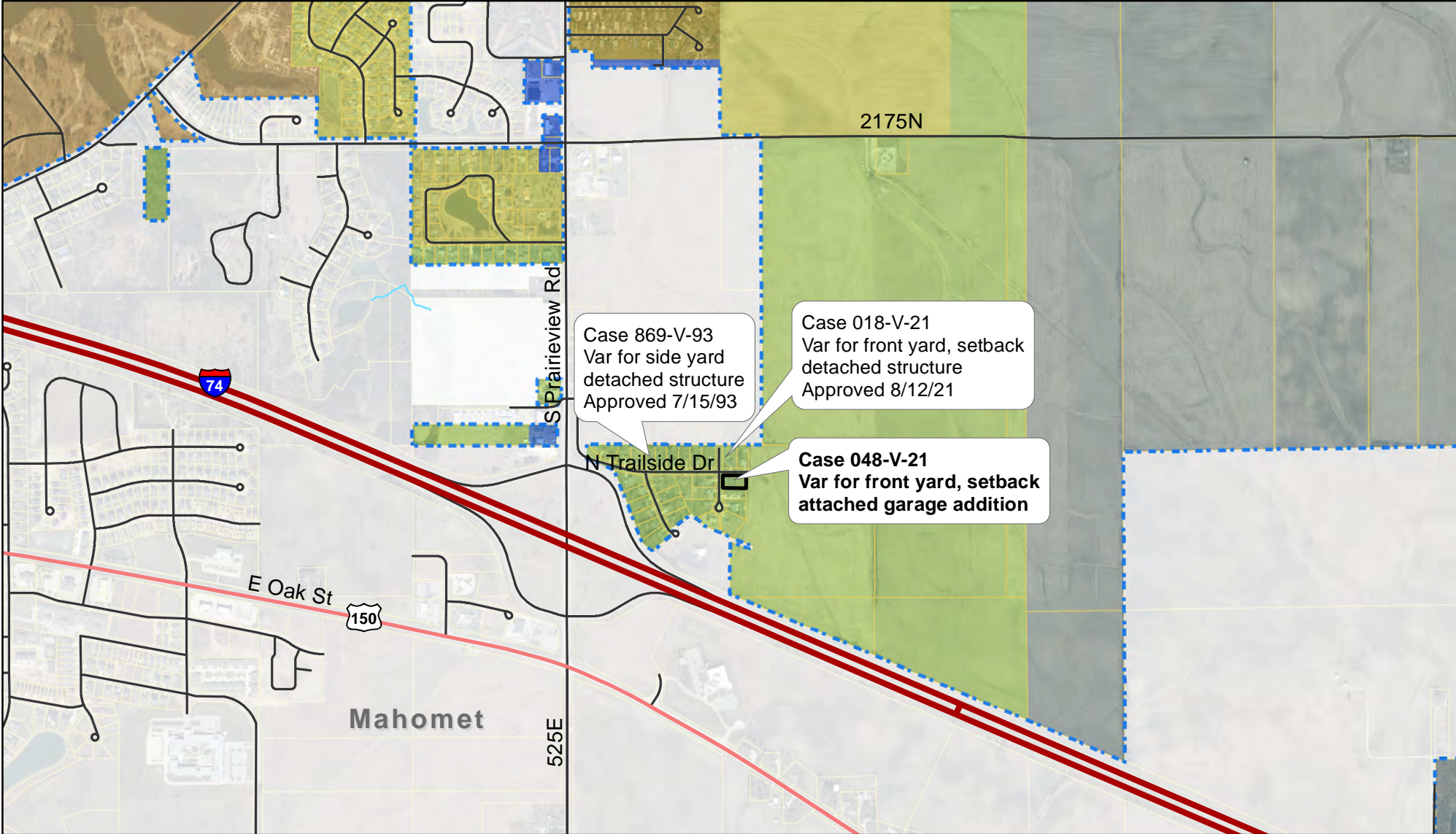
- | | | | |
|--------------------|----------------|--------------|--------------------------|
| Subject Property | Tax Exempt | Commons Area | Utility |
| Municipal Boundary | Agriculture | Residential | Veteran or Fraternal Org |
| Parcels | Ag/Residential | Commercial | Industrial |

0 300 600 1,200 Feet

Champaign County
Department of
PLANNING &
ZONING

Zoning Map

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April 14, 2022

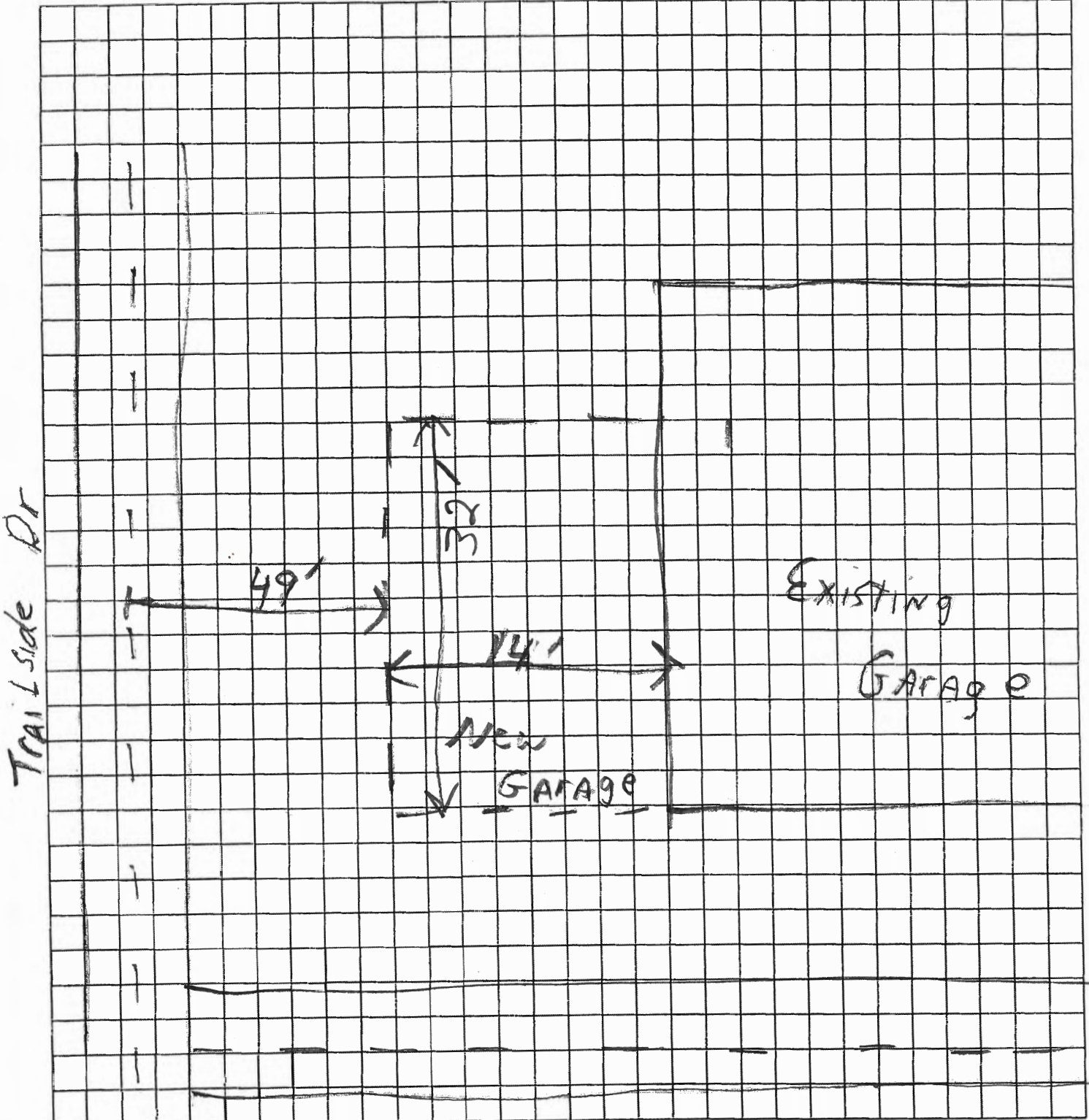


Legend

Subject Property	CR Conservation Recreation	R-3 Two-Family Residence
Municipal Boundary	AG-1 Agriculture	R-5 Manufactured Home Park
Parcels	AG-2 Agriculture	B-3 Highway Business
	R-1 Single-Family Residence	B-4 General Business

0 300 600 1,200 Feet

Champaign County
Department of
**PLANNING &
ZONING**



Check which applies: Date Received: North Arrow: Approval (Office Use Only):

- Site Plan
- Erosion & Sediment. Control Plan
- Other: _____

Permit Application No. _____

Applicant Name: _____

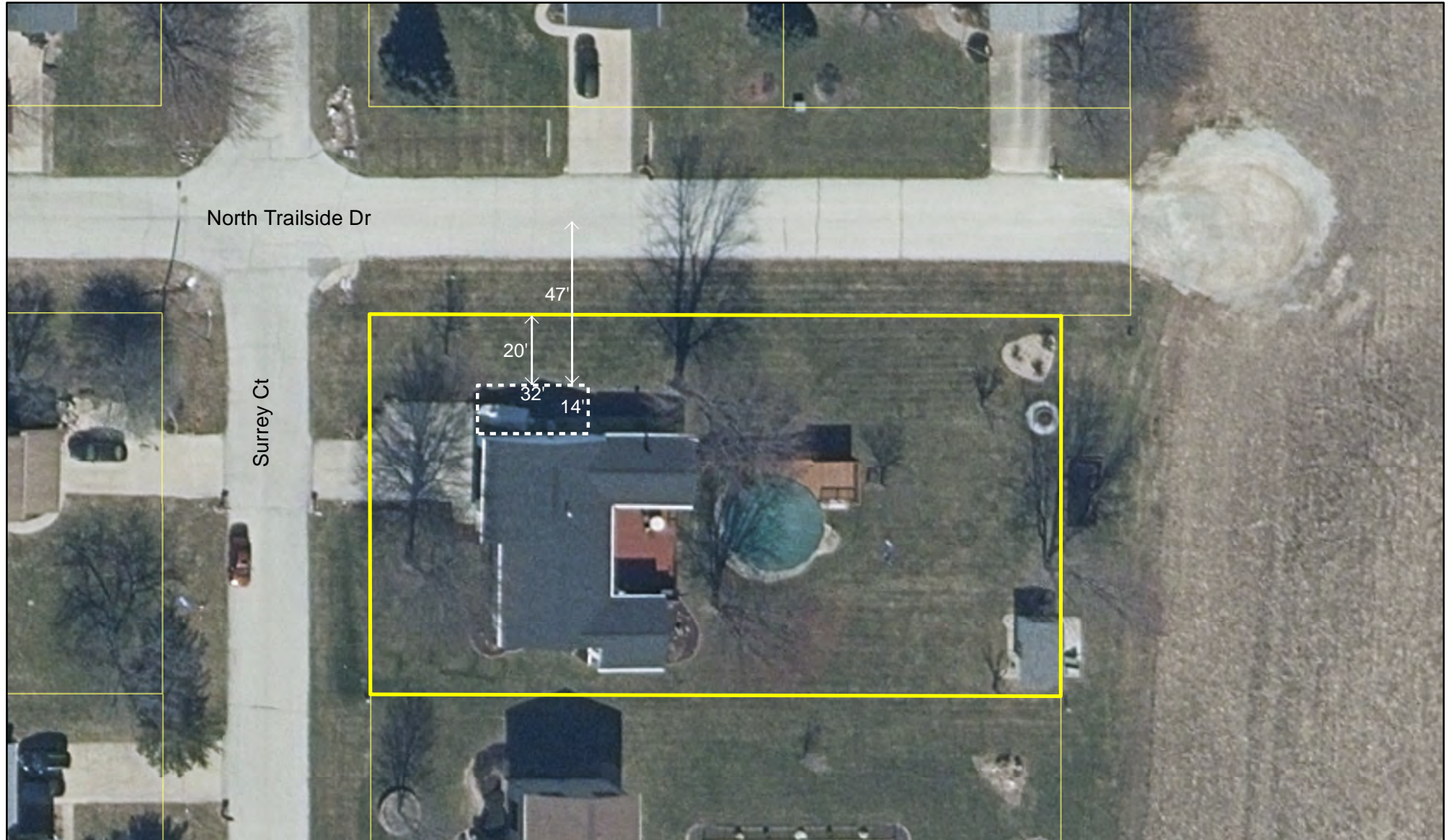
Surrey CT

RECEIVED



MAR 24 2022

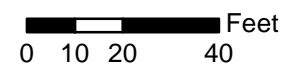
Annotated 2020 Aerial Photo

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Legend

-  Subject Property
-  Parcels



Susan Burgstrom

From: Abby Heckman <aheckman@mahomet-il.gov>
Sent: Friday, March 25, 2022 1:23 PM
To: Susan Burgstrom
Cc: Kelly Pfeifer
Subject: RE: North Trailside Drive?

Susan,

I spoke with Kelly and here is our answer to your question below.

We have had inquiries about the development potential of the land to the east that Susan mentions. While potentially serviceable by water and/or sewer by SVPWD, the access is only via township roads. Given the less than ideal access from this neighborhood, until Surrey Court is extended north into the Village and connected to Prairieview Road by a Village Road, we are not likely to approve any subdivision of that land. Additionally, that area is outside our comp plan planning area which means we do not expect anything for the life of the Plan – which is at least another 15 years.

What kind of variance are they requesting?

Abby Heckman
Planner
Community Development Department
Village of Mahomet
503 E. Main Street
P.O. Box 259
Mahomet, IL 61853-0259
(217)586-4456 ext.127 (office)
(217)372-1937 (mobile/remote)
www.mahomet-il.gov
www.ChooseMahomet.com

RECEIVED

MAR 25 2022

COMMUNITY DEVELOPMENT DEPARTMENT



From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Friday, March 25, 2022 12:22 PM
To: Abby Heckman <aheckman@mahomet-il.gov>
Subject: North Trailside Drive?

Hi Abby,

We have a variance case coming up for 902 Surrey Ct, Mahomet. Do you know of any plans to extend or widen North Trailside Drive to the east?

Thanks,
Susan

Susan Burgstrom, AICP
Senior Planner

049-V-22 Site Images



From N Trailside Drive facing East to subject property



From east dead-end of N Trailside Drive facing SW to subject property

049-V-22 Site Images



From Surrey Ct facing East to subject property – proposed garage would be left of existing garage



From Surrey Ct facing NE to subject property

PRELIMINARY DRAFT

049-V-22

**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: ***{April 14, 2022}***

Petitioner: **John Melton**

Request: **Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached garage addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from the street centerline of North Trailside Dr, in lieu of the minimum required 25 feet and 55 feet, per Section 4.3.4 of the Champaign County 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 **April 14, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner John Melton, 902 Surrey Ct, Mahomet, owns the subject property.
2. The subject property is Lot 11 of Trailside First Subdivision in Section 13, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, with an address of 902 Surrey Ct, Mahomet.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within Mahomet Township, which does have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 21,957 square foot (0.5 acre) lot and is zoned AG-2 Agriculture. Land use is a single-family residence.
 - B. Land to the north, south, and west is zoned AG-2 Agriculture and is residential in use.
 - C. Land to the east is zoned AG-2 Agriculture and is land in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan received March 24, 2022, indicates the following:
 - (1) The following are existing structures on the subject property:
 - a. One 1947 square feet residence, constructed under ZUPA #338-84-03 approved on December 3, 1984;
 - b. One addition to the south side of the residence, constructed under ZUPA #65-87-01 approved on March 6, 1987;
 - c. One 10 feet by 18 feet (180 square feet) detached shed in the southeast corner of the subject property; and
 - c. One above ground swimming pool.
 - d. No septic system information was provided with the application.

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- (2) Proposed construction includes:
 - a. One 14 feet by 32 feet (448 square feet) garage addition to the existing residence.

- B. The following are previous Zoning Use Permits for the subject property:
 - (1) ZUPA #338-84-03 was approved on December 3, 1984 to construct a single family residence.
 - (2) ZUPA #65-87-01 was approved on March 6, 1987 to construct an addition to the residence.
 - (3) No permits are on file for the above-ground swimming pool or the detached shed.

- C. There are no prior Zoning Cases for the subject property, but the following are previous variances in the vicinity:
 - (1) Case 869-V-93 was a variance for side yard of a detached structure approved on July 15, 1993 for 2202 North Trailside Dr, Mahomet.
 - (2) Case 018-V-21 was a variance for front yard and setback of a detached structure approved on August 12, 2021 for 2302 North Trailside Dr, Mahomet.

- D. The required variance is as follows:
 - (1) Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached garage addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from the street centerline of North Trailside Dr, in lieu of the minimum required 25 feet and 55 feet, per Section 4.3.4 of the Champaign County 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) “BUILDING RESTRICTION LINE” is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
 - (2) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (3) “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.
 - (4) “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.

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- (5) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (6) “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.
 - (7) “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.
 - (8) “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.
 - (9) “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.
 - (10) “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 abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- B. The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

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- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Regarding the proposed variance:
- (1) Minimum setback from the centerline of a minor street for a structure in the AG-2 Agriculture Zoning District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
 - (2) Minimum front yard from the street right of way of a minor street to a structure in the AG-2 Agriculture Zoning District is established in Section 5.3 of the Zoning Ordinance as 25 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“I feel the attached garage will look better for the neighborhood instead of a detached garage out back. More logical place is on existing driveway.”**
 - B. North Trailside Drive ends adjacent to the subject property.
 - C. In an email received March 25, 2022, Village of Mahomet Planner Abby Heckman stated that there are no plans to widen or extend North Trailside Drive at the east end.

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:

PRELIMINARY DRAFT

- A. The Petitioner has testified on the application, **“I would like attached garage. Without this garage I would not be able to store my car and have a small workshop.”**
- B. Regarding the proposed variance for a front yard of 20 feet and a setback from the centerline of a minor street of 47 feet in lieu of 25 feet and 55 feet, respectively: without the proposed variance, the petitioner would have to construct a new driveway entrance to accommodate a detached garage on another part of the lot.

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

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No.”**
 - B. The existing house and driveway were constructed prior to the petitioner’s ownership 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, **“An attached garage is a typical part of a residential neighborhood.”**
 - B. Regarding the proposed variance for a setback from the centerline of a minor street of 47 feet in lieu of 55 feet: the requested variance is 85.5% of the minimum required, for a variance of 14.5%.
 - C. Regarding the proposed variance for a front yard of 20 feet in lieu of the minimum required 25 feet: the requested variance is 80% of the minimum required, for a variance of 20%.
 - D. Regarding the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known plans to expand North Trailside Drive.
 - (3) Parking, where applicable.

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: **“Neighbors are all ok with the garage being built. No safety issues or traffic issues.”**
 - B. The Mahomet Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The Cornbelt Fire Protection District has been notified of this variance, and no comments have been received.
 - D. In an email received March 25, 2022, Village of Mahomet Planner Abby Heckman stated that there are no plans to widen or extend North Trailside Drive at the east end.
 - E. The nearest structure on adjacent property to the existing residence is the residence located to the south, which is about 30 feet away.
 - F. The proposed addition does not encroach on the visibility triangle.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

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

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

DOCUMENTS OF RECORD

1. Variance Application received on March 24, 2022, with attachments:
 - A Site Plan

2. Email from Abby Heckman, Village of Mahomet, received March 25, 2022

3. Preliminary Memorandum dated April 6, 2022, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received March 24, 2022
 - C Annotated 2020 aerial photo by P&Z Staff dated March 28, 2022
 - D Email from Abby Heckman, Village of Mahomet, received March 25, 2022
 - E Images of subject property taken March 25, 2022
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination dated April 14, 2022

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **049-V-22** held on **April 14, 2022**, 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. *North Trailside Drive ends adjacent to the subject property.*
 - b. *In an email received March 25, 2022, Village of Mahomet Planner Abby Heckman stated that there are no plans to widen or extend North Trailside Drive at the east end.*

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 the proposed variance, the petitioner would have to construct a new driveway entrance to accommodate a detached garage on another part of the lot.*

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *The existing house and driveway were constructed prior to the petitioner's ownership of the property.*

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. *There are no known plans to expand North Trailside Drive.*

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 were notified of this variance, and no comments have been received.*
 - b. *In an email received March 25, 2022, Village of Mahomet Planner Abby Heckman stated that there are no plans to widen or extend North Trailside Drive at the east end.*

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 requested variance is the minimum variation if the petitioner is able to locate the garage where there is an existing driveway.*

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

PRELIMINARY DRAFT

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 **049-V-22** is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioners, **John Melton**, to authorize the following variance:

Authorize a variance in the AG-2 Agriculture Zoning District for a proposed attached garage addition on a corner lot with a front yard of 20 feet and a setback of 47 feet from the street centerline of North Trailside Dr, in lieu of the minimum required 25 feet and 55 feet, per Section 4.3.4 of the Champaign County 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