

CASE NO. 092-V-23

PRELIMINARY MEMORANDUM

June 7, 2023

Petitioners: **Stephen Lemke**

Request: **Authorize the following variance in the I-1 Light Industry Zoning District:**

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning Ordinance.

Subject Property: **Lots 141 and 142 in Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and more commonly known as 318 Paul Ave, Champaign, Illinois.**

Site Area: **0.15 acres (6,600) square feet)**

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

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

BACKGROUND

The petitioner has a house on lots 141 and 142 of Wilber Heights subdivision, part of a larger lot owned by his mother containing lots 148, 147, 146, 145, 144, 143, 142, and 141. The single-family home on Lots 141 and 142 was placed under ZUPA #188-98-04 approved on July 10, 1998, by a relative of the petitioner. For inheritance purposes, he requests a variance to separate Lots 141 and 142 from the remaining lots. Lots 141 and 142 total a 6,600 square foot lot, which does not meet the minimum square footage required by the Zoning Ordinance. His mother's house would occupy lots 143 through 148.

The petitioner requests additional variances for an existing single-family home and existing detached storage shed which do not meet the minimum side yard requirements due to the newly proposed lot lines. The single-family residence and detached storage shed require variances because the newly proposed western side lot line will abut both structures with a distance of 0 feet. The petitioner indicates he will remove the current 10x12 shed on the northern side of the property and replace it with a 12x20 shed which currently resides on the property. The petitioner is currently in the process of acquiring a permit for the newly placed shed.

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

LOT SIZE CONSTRAINTS IN WILBER HEIGHTS SUBDIVISION

The Wilber Heights Subdivision was created in 1924 as a residential subdivision to house employees of Clifford Jacobs Forging Company. The subject property was zoned I-1 Heavy Industry with the adoption of the Zoning Ordinance on October 10, 1973, consistent with the regulation of land use that the City of Champaign had implemented prior. Streets in the Wilber Heights subdivision have wide rights-of-way, which create an additional limitation on how lots can be built upon and used.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) 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 within Somer Township, which does not have a Plan Commission. Townships without Plan Commissions do not have protest rights on a variance.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	I-1 Light Industry
North	Commercial	I-1 Light Industry
South	Residential	I-1 Light Industry
East	Residential	I-1 Light Industry
West	Residential	I-1 Light Industry

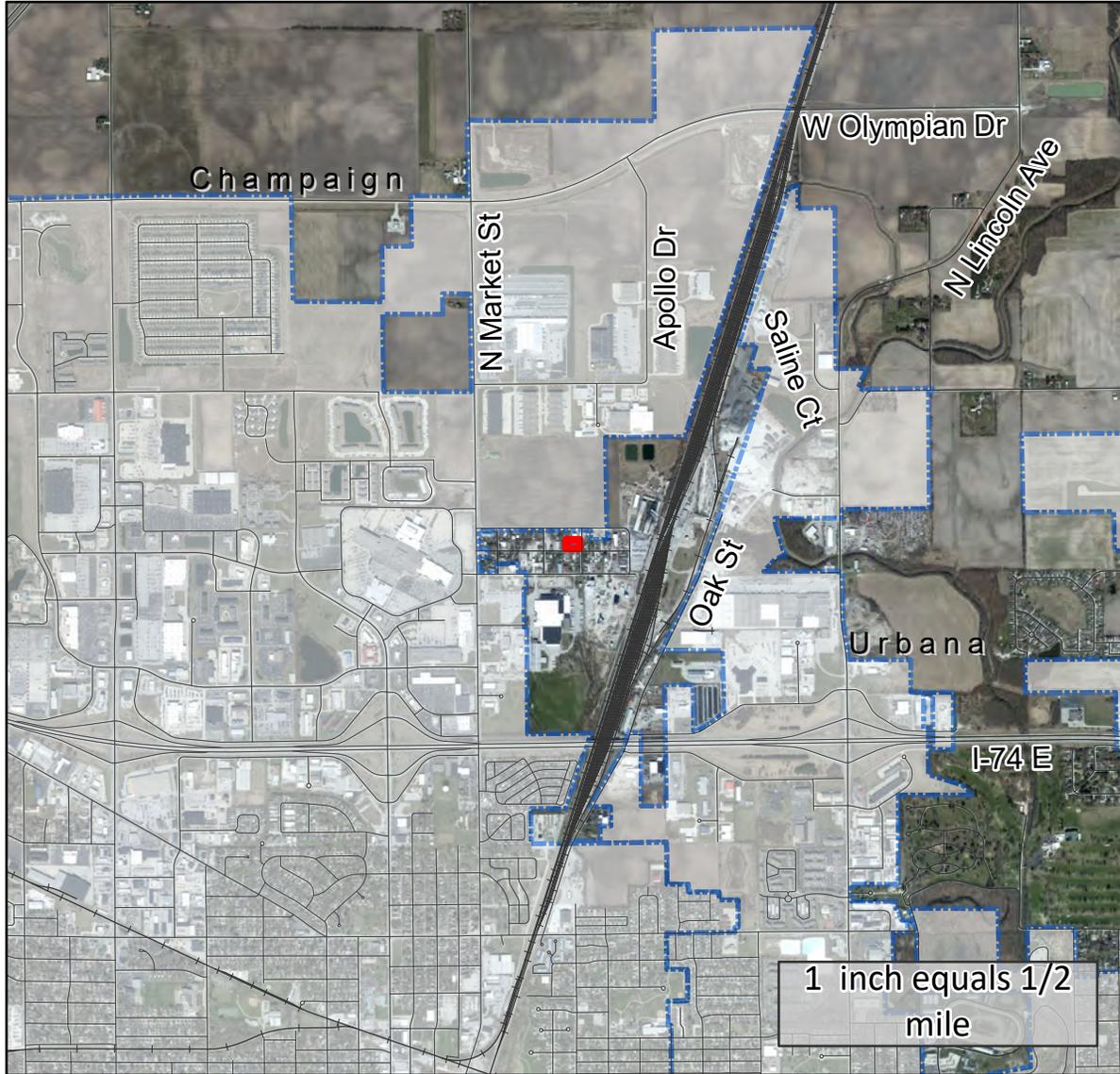
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated Aerial Photo created by P&Z Staff on March 9, 2023
- C Email from petitioner received and dated May 16, 2023
- D Email from Jeff Marino, City of Champaign, received February 1, 2023
- E Plat of Wilber Heights Subdivision recorded on October 8, 1924
- F Images of subject property taken April 27, 2023
- G Draft Summary of Evidence, Finding of Fact, and Final Determination dated June 15, 2023

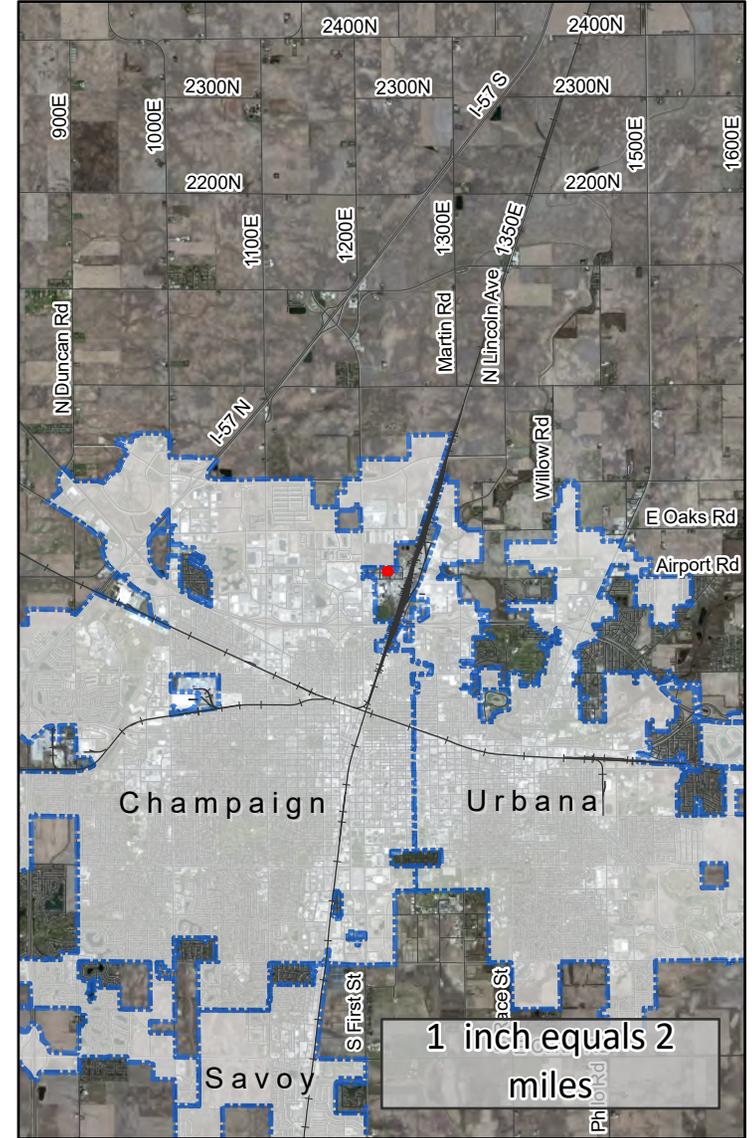
Location Map

Case 092-V-23
June 15, 2023

Subject Property



Property location in Champaign County



Legend

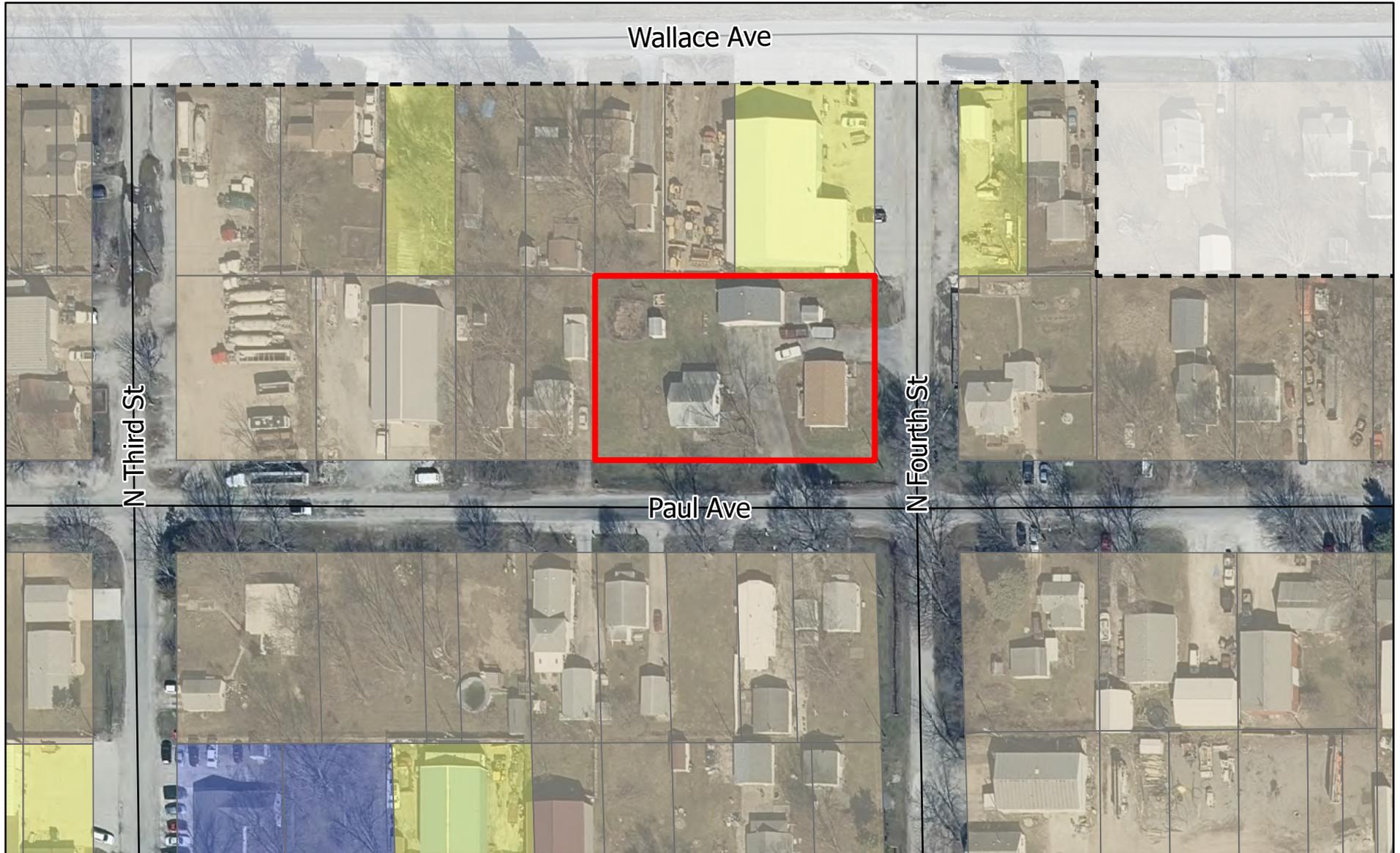
-  Municipal Boundary
-  Streets
-  Subject Property
-  Streets



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 092-V-23
June 15, 2023



Legend



Subject Property



Residential



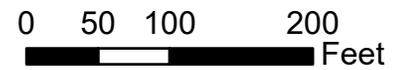
Commercial



Municipal Boundary



Tax Exempt



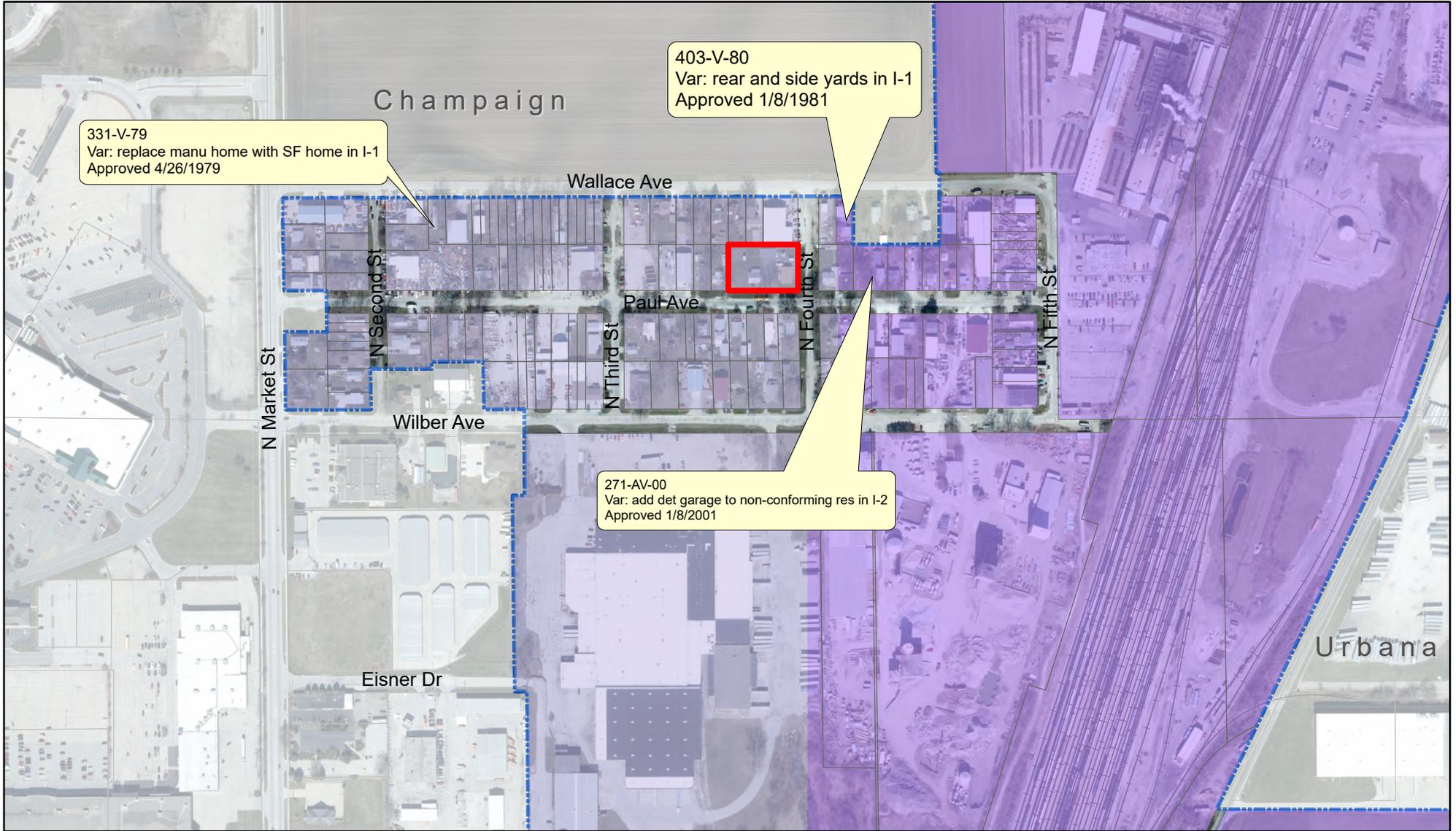
Champaign County
Department of

PLANNING &
ZONING

Zoning Map

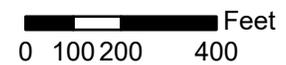
Case 092-V-23
June 15, 2023

Zoning cases shown on map only include residential variances in Wilber Heights with existing addressing.



Legend

- Subject Property
- I-1 Light Industry
- I-2 Heavy Industry
- Municipal Boundary
- Subject Property





0.01
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This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGISC), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

Trevor Partin

From: Susan Burgstrom
Sent: Tuesday, May 16, 2023 8:04 AM
To: Trevor Partin
Subject: Lemke variance case

Steve Lemke is going to remove the small garden shed and place the new shed east-west in the location of the garden shed. He'll need 3 variance parts:

1. Lot area of 6,600 square feet in lieu of 10,000 sf
2. An existing house with a side yard (west yard) of 0 feet in lieu of 10 feet
3. An existing detached shed with a side yard (west yard) of 0 feet in lieu of the minimum required 10 feet

Could you please print this email string for the file?

Thanks,
Susan

From: stephen lemke <maddk9@yahoo.com>
Sent: Monday, May 15, 2023 4:43 PM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Re: variance case

CAUTION: External email, be careful when opening.

Susan,

Yes that will work for me.

Thanks Steve Lemke

On Monday, May 15, 2023 at 10:04:26 AM CDT, Susan Burgstrom <sburgstrom@co.champaign.il.us> wrote:

Hi Steve,

We can add a variance to the list for moving your new shed to the location of the old shed on your 50 feet of the property with a west yard of 0 feet. There would be no extra charge for adding this variance request. You would still need to provide a north yard of 15 feet for this shed. Will that work for you?

Thanks,
Susan

Susan Burgstrom

From: Jeff Marino <Jeff.Marino@champaignil.gov>
Sent: Wednesday, February 1, 2023 4:08 PM
To: maddk9@yahoo.com
Cc: Susan Burgstrom
Subject: NW corner of Fourth and Paul
Attachments: E-326.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
FEB 01 2023
CHAMPAIGN CO. P & Z DEPARTMENT

CAUTION: External email, be careful when opening.

Steve,

Thanks again for reaching out today regarding separating ownership between 316 Paul Avenue and 320 Paul Avenue.

I'm attaching the original plat from Wilber Heights Sub from 1924. As you and I spoke about on the phone, the parcel is already 8 sperate legal lots of record, Lots 141 through Lot 148. Since the warranty deed from the parcel includes all 8 lots, you can simply create two new warranty deeds for Lots 141 and 142, and a second warranty deed for Lots 143 through 148.

It should be noted; however, that by creating separate ownership, there are new County Zoning regulations that become applicable. I'm copying Susan Burgstrom on this email, she is the Senior Planner for Champaign County Planning and Zoning. She'll be able to assist you with identifying which codes may or may not be met, and what the steps are to obtain relief.

I'll also note – creating new parcel identification numbers for the two new tracts is a process that the County Assessor's office maintains. I believe they call it a "PIN Split." Once you have the new warranty deeds, you can coordinate with the County Assessor's office to obtain new PINs.

I'll add that the county gave you good advice regarding the City of Champaign's subdivision regulations applying to parcels outside of the corporate limits; however, in this case, because they are existing lots, and you are not actually proposing to move any lot lines, a new subdivision isn't technically needed.

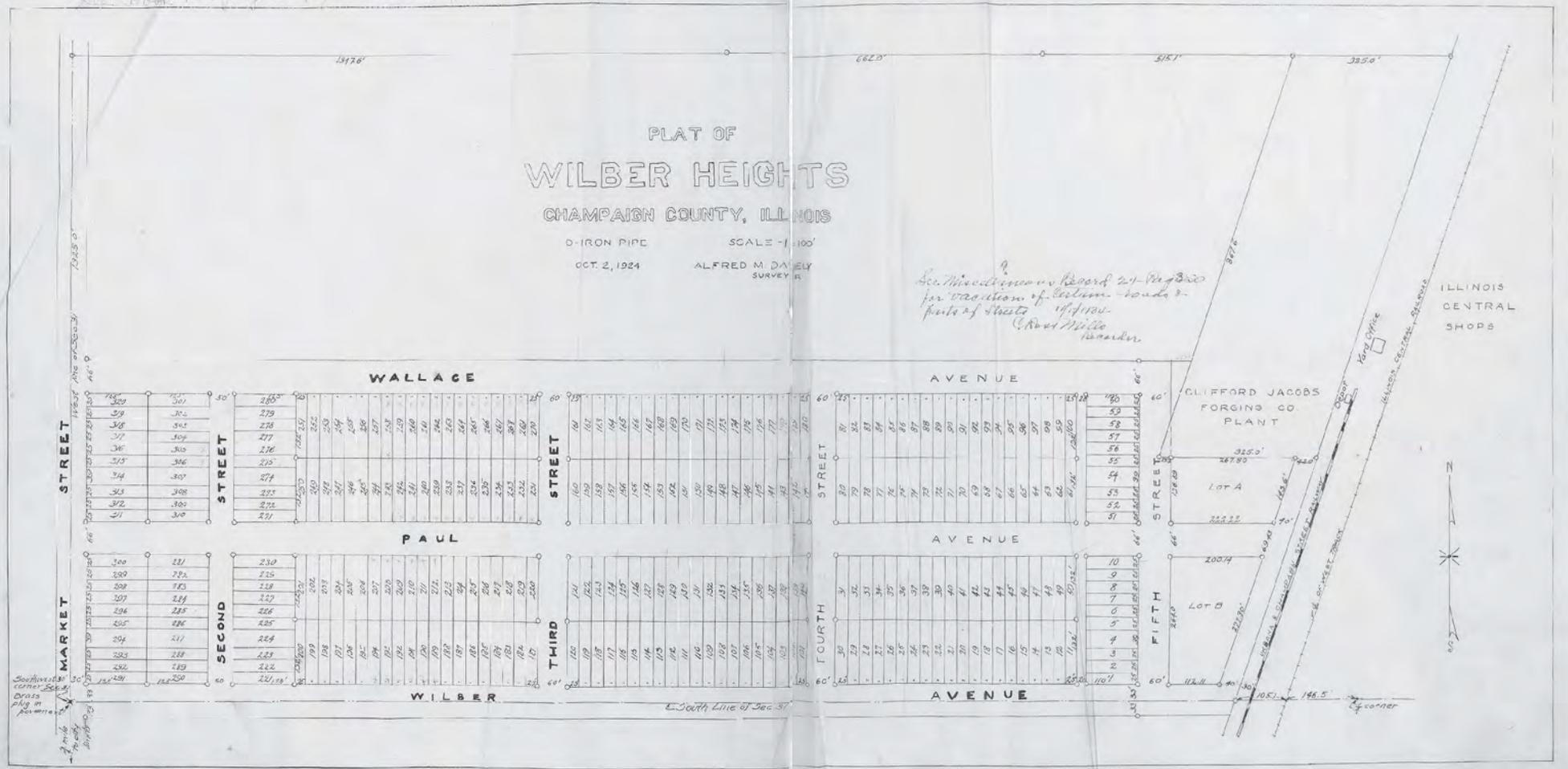
Good luck with the separation of ownership, and if it turns out that you will need the City to approve any part of this process, feel free to reach back out to me.

Thanks,
Jeff Marino, AICP
Senior Planner
Planning and Development Department
City of Champaign

PLAT OF
WILBER HEIGHTS
 CHAMPAIGN COUNTY, ILLINOIS

D-IRON PIPE SCALE - 1" = 100'
 OCT. 2, 1924 ALFRED M. DAVELY SURVEYOR

*See Miscellaneous Record 24-149320
 for location of bottom roads &
 parts of streets of
 River Mills
 Hamden*



See page 922 for description

See Book 951 page 379 for location of Home of Paul Avenue

*Southern corner Sec 57
 Drains plug in
 River Mills*



ILLINOIS
 CENTRAL
 SHOPS

CLIFFORD JACOBS
 FORGING CO.
 PLANT

Lot A

Lot B

of corner

092-V-23 Site Images



Subject property existing residence from corner of Paul Ave and 4th Street at 318 Paul Ave. The residence located at 316 Paul is pictured towards the west. Towards the north is Stark excavation.



North side of existing residence from 4th Street. Neighboring detached garage at 316 Paul Ave shown.

092-V-23 Site Images



Newly proposed western property line along backside of petitioner’s existing residence and white 120 sq ft detached storage shed, to be removed.



South side of proposed lot from Paul Ave. Neighboring detached garage at 316 Paul Ave shown.

PRELIMINARY DRAFT

092-V-23

**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: *{June 15, 2023}*

Petitioner: **Stephen Lemke**

Request: **Authorize the following variance(s) in the I-1 Light Industry Zoning District:**

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 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 **June 15, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Velma Lemke, Mother of petitioner Stephen Lemke, owns the subject property and the home at 316 Paul Ave. Petitioner Stephen Lemke owns the home and the newly proposed subject property at 318 Paul Ave.
2. The subject property is the 0.61-acre area of Lots 141, 142, 143, 144, 145, 146, 147, and 148 in Wilber Heights Subdivision being a part of the Southeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and more commonly known as 316 and 318 Paul Ave, Champaign, Illinois.
 - a. The newly proposed subject property is a 0.15-acre area consisting of Lots 141 and 142 of Wilbur Heights Subdivision with the address of 318 Paul Ave.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of 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 within Somer Township, which does not have a Plan Commission. Townships without Plan Commissions do not have protest rights on a variance.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned I-1 Light Industry. The land is residential in use.
 - B. Land to the north is zoned I-1 Light Industry and is used by Stark Excavation commercially.
 - C. Land to the west, east and south is zoned I-1 Light Industry 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, created by P&Z Staff on March 9, 2023, indicates the following:
 - (1) Existing buildings consist of the following:
 - a. One 993 square foot residence on the western portion of the property;
 - b. One 1,144 square foot residence on the eastern portion of the property;
 - c. One 24 feet by 42 feet (1008 square feet) detached garage on the north side of the property;
 - d. One 8 feet by 12 feet (96 square feet) storage shed in the northwest section of the property.

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- e. One 10 feet by 12 feet (120 square feet) storage shed in the northeast section of the property, to be removed.
 - f. The petitioner placed a 12x20 storage shed on the subject property and will be moving it to where the current 10x12 storage shed (to be removed) in the northeast section of the property is. The current aerial photography is not up to date and does not depict this newly placed shed.
2. There is no proposed construction.
- B. Previous Zoning Use Permits for the subject property are:
- (1) ZUPA #188-98-04 was approved on July 10, 1998, to place a manufactured home on the lot to be used a single-family home.
- C. There are no previous zoning cases for the subject property, but there are zoning cases in the vicinity:
- (1) Case 331-V-79 was approved on April 26, 1979, to replace a manufactured home with a single-family home located at 205 Wallace Ave in the I-1 Light Industry zoning district.
 - (2) Case 271-AV-00 was approved on January 1, 2001, to add a detached garage to a non-conforming residence located at 408 Paul Ave in the I-2 Heavy Industry zoning district.
 - (3) Case 403-V-80 was approved on January 1, 1981, for a detached garage on a residential lot at 403 Wallace Ave with a side yard setback of 5 feet in lieu of the minimum required 20 feet and rear yard setback of 16 feet in lieu of the required 30 feet setback in the I-1 Heavy Industry zoning district.
- D. The required variance includes the following:
- (1) Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.
 - (2) Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.
 - (3) Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 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) "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, and subordinate to

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and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.

- (2) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (3) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) “LOT LINES” are the lines bounding a LOT.
 - (6) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
 - (7) “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.
 - (8) “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.
 - (9) “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 I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.

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- c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Minimum SIDE YARD for a principal structure in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 10 feet.
 - E. Minimum SIDE YARD for an accessory structure in the I-1 Light Industry District is established in Section 7.2.1.B. of the Zoning Ordinance as 10 feet.
 - F. Minimum LOT area in the I-1 Light Industry District is established in Section 4.3.4 of the Zoning Ordinance as 10,000 square 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, **“Lots in Wilber Heights were created prior to zoning and are smaller than what zoning ordinance requires. Road right of way in Wilber Heights are wider than typical, which affects set back and yard sizes.”**
 - B. The P&Z Department issued a Zoning Compliance Certificate for the house on the east side on January 20, 1999, which would mean the house location and lot features were compliant with the Zoning Ordinance at that time.
 - C. The house on the east side is connected to sanitary sewer, so there is no need to make room for a septic field.
 - D. The petitioner proposes creating a new lot for the residence located on the eastern side of the property comprising Lots 141 and 142 of Wilber Heights Subdivision so that it will be separate from his mother’s property for inheritance purposes.
 - E. The City of Champaign has subdivision jurisdiction over the proposed lot split. In an email received February 1, 2023, Jeff Marino with the City of Champaign indicated that no formal subdivision would be needed if Mr. Lemke divided the property along existing lot lines from the original Wilber Heights Subdivision from 1924.
 - (1) In order for Mr. Lemke to divide his house from his mother’s house, he could only divide off original Lots 141 and 142 because including Lot 143 would split the existing garage onto two separate properties.

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- F. The front yard and setback along North Fourth Street are in compliance but are shorter than the typical 25 feet and 55 feet requirement.
- (1) Footnote 3 of Section 5.3 allows use of the average of the setback lines in the same block to define the minimum requirement, and in this case the front yard is compliant at 18 feet and the setback is compliant at 48 feet.

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, **“There is no land additional that can be transferred to make the proposed lot compliant with the ordinance without variance.”**
- B. Regarding Variance Part B, for a 0-foot side yard for the single-family home: without the proposed variance, the petitioner would have to move the home 10 feet to the east, which would encroach on the front yard and setback requirements.
- C. Regarding Variance Part C for a 0-foot side yard for the detached 12 foot by 20 foot shed: without the proposed variance, the petitioner would not be able to locate the shed on the proposed eastern subject property.

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 Petitioner did not own the single-family home at the time of its construction.
- C. The Petitioner is in the process of acquiring a permit for the newly placed 12x20 shed.

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, **“No new construction is proposed, and there is adequate light, air, and space between buildings.”**
- B. Regarding proposed Variance Part A, for a minimum lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in the I-1 Light Industry District, the requested variance is 66% of the minimum required, for a variance of 34%.
- C. Regarding proposed Variance Part B, for an existing single-family home with a side yard of 0 in lieu of the minimum required 10 feet in the I-1 Light Industry District: the requested variance is 0% of the minimum required, for a variance of 100%.

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- D. Regarding proposed Variance Part C, for an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet in the I-1 Light Industry District: the requested variance is 0% of the minimum required, for a variance of 100%.

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: **“No on the ground changes are proposed.”**
 - B. The Somer Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The Eastern Prairie Fire Protection District has been notified of this variance, and no comments have been received.
 - D. The nearest structure on adjacent property is the house to the west that is approximately 50 feet away.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner did not list any other justifications for the variance on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. There are no proposed special conditions at this time.

DOCUMENTS OF RECORD

1. Variance Application received March 9, 2023

2. Preliminary Memorandum dated June 7, 2023, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Aerial Photo created by P&Z Staff on March 9, 2023
 - C Email from petitioner received and dated May 16, 2023
 - D Email from Jeff Marino, City of Champaign, received February 1, 2023
 - E Plat of Wilber Heights Subdivision recorded on October 8, 1924
 - F Images of subject property taken April 27, 2023
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination dated June 15, 2023

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **092-V-23** held on **June 15, 2023**, 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. ***Lots in Wilber Heights were created prior to zoning and are smaller than what zoning ordinance requires. The Road Right of Way in Wilber Heights is wider than what you may typically find, which affects set back and yard sizes.***
 - b. ***Regarding Part B, The P&Z Department issued a Zoning Compliance Certificate for the house on the east side on January 20, 1999, which would mean the house location and lot features were compliant with the Zoning Ordinance at that time.***
 - c. ***The petitioner wishes to create a separate lot for a second single-family residence so it will be on different parcels for inheritance purposes.***
 - d. ***The house on the east side is served by sanitary sewer, so making room on the lot for septic is unnecessary.***
 - e. ***The front yard and setback along North Fourth Street are shorter than typical at 18 feet and 48 feet, respectively, but are compliant with the Zoning Ordinance.***
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. ***Regarding Part A, there is no additional surrounding land the property owner can purchase to make the lot compliant with the zoning ordinance.***
 - b. ***Regarding Part B, the petitioner would have to move the home 10 feet to the east, which would encroach on the front yard and setback requirements imposed in the I-1 Light Industry District.***
 - c. ***Regarding Part C, the petitioner would have to move the detached storage shed 10 feet to the east, which would encroach on the front yard and setback requirements imposed in the I-1 Light Industry District.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner did not own the home at the time of its placement.***
 - b. ***The petitioner is currently in compliance with all setback requirements. The creation of a new lot necessitates variances for the single-family residence and detached shed.***

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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 single-family residence and detached storage shed do not meet the side lot requirements but still meets the intent of adequate light, air, and space between buildings.***

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 case, 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. ***In order for Mr. Lemke to divide his house from his mother's house, he could only divide off original Lots 141 and 142 because including Lot 143 would split the existing garage onto two separate properties.***

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

FINAL DETERMINATION

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

The Variance requested in Case **092-V-23** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Stephen Lemke** to authorize the following variance in the I-1 Light Industry Zoning District:

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

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