

CASE 211-V-26

PRELIMINARY MEMORANDUM

June 18, 2026

Petitioner: **Latif Khan**

Request: **Authorize the following variance in the R-2 Single Family Residence Zoning District on the subject property described below:**

Part A: Authorize a variance for a proposed ground mounted solar array with a setback of 35 feet from the centerline of Ferguson St. and a front yard of 2 feet in lieu of the required 55 feet and 25 feet respectively per Section 7.2.1 of the Zoning Ordinance.

Part B: Authorize a variance for an existing non-conforming single-family residence with a setback of 47 feet from the centerline of Third St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a variance for an existing non-conforming single-family residence with a front yard (north) of 22 feet in lieu of the required 25 feet per Section 5.3 of the Zoning Ordinance.

Part D: Authorize a variance for an existing non-conforming single-family residence located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

Part E: Authorize a variance for an existing non-conforming detached garage with a setback of 49 feet from the centerline of Third St., a front yard of 16 feet and a side yard of zero feet in lieu of the required 55 feet, 25 feet and 5 feet respectively per Section 5.3 and 7.2.1 of the Zoning Ordinance.

Part F: Authorize a variance for a second existing detached garage with a side yard of 3 feet in lieu of the required 5 feet per Section 7.2.1 of the Zoning Ordinance.

Location: **Lot 6 and 7 of William Foo's 2nd Addition to the Town of Foosland, in the Northwest Quarter of the Southeast Quarter of Section 17, Township 22 North, Range 7 East of the Third Principal Meridian, in Brown Township with PIN 02-01-17-413-001, commonly known as the property with an address of 300 Third St., Foosland.**

Site Area: **.39 acre**

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

Prepared by: **Charlie Campo**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

The petitioner Latif Khan owns the subject property that contains an existing single-family dwelling and two detached garages. The petitioner proposes constructing a 10 ft. x 50 ft. ground mounted solar array in the northeast corner of the property.

The existing single-family dwelling and 16 ft. x 19 ft. detached garage were constructed prior to the adoption of the Champaign County Zoning Ordinance in 1973. These two buildings are non-conforming in that they don't meet the Zoning Ordinance requirements for setback from the centerline of a street and the front and side yard requirements. Should either building be destroyed, they would not be able to be reconstructed in the same locations. Variance Parts B through E have been added so the buildings can be reconstructed should they ever be destroyed.

ZUPA 128-89-01 was approved on May 8, 1989, to construct the 20 ft. x 20 ft. detached garage. The approved site plan showed a 15 ft. side yard however a 12 ft. easement identified on the site plan is actually a platted alley and not part of the property resulting in a 3 ft. side yard. Variance Part F has been added to correct the error of the Zoning Use Permit approval and allow the garage to become a conforming structure by means of a variance so that it can be reconstructed should it ever be destroyed.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of any municipality with zoning.

The subject property is located within Brown Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	R-2 Single Family Res.
North	Single Family Residence	R-2 Single Family Res.
East	Single Family Residence	R-2 Single Family Res.
West	Single Family Residence	R-2 Single Family Res.
South	Agriculture	AG-1 Agriculture

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan showing solar array location submitted May 11, 2026
- C 2026 Annotated Aerial Photos showing proposed solar array and existing buildings
- D 1973 and 2002 Aerial photos showing existing buildings
- E Site Images taken June 16, 2026
- F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 211-V-26 dated June 25, 2026

Location Map

Case 211-V-26

June 25, 2026

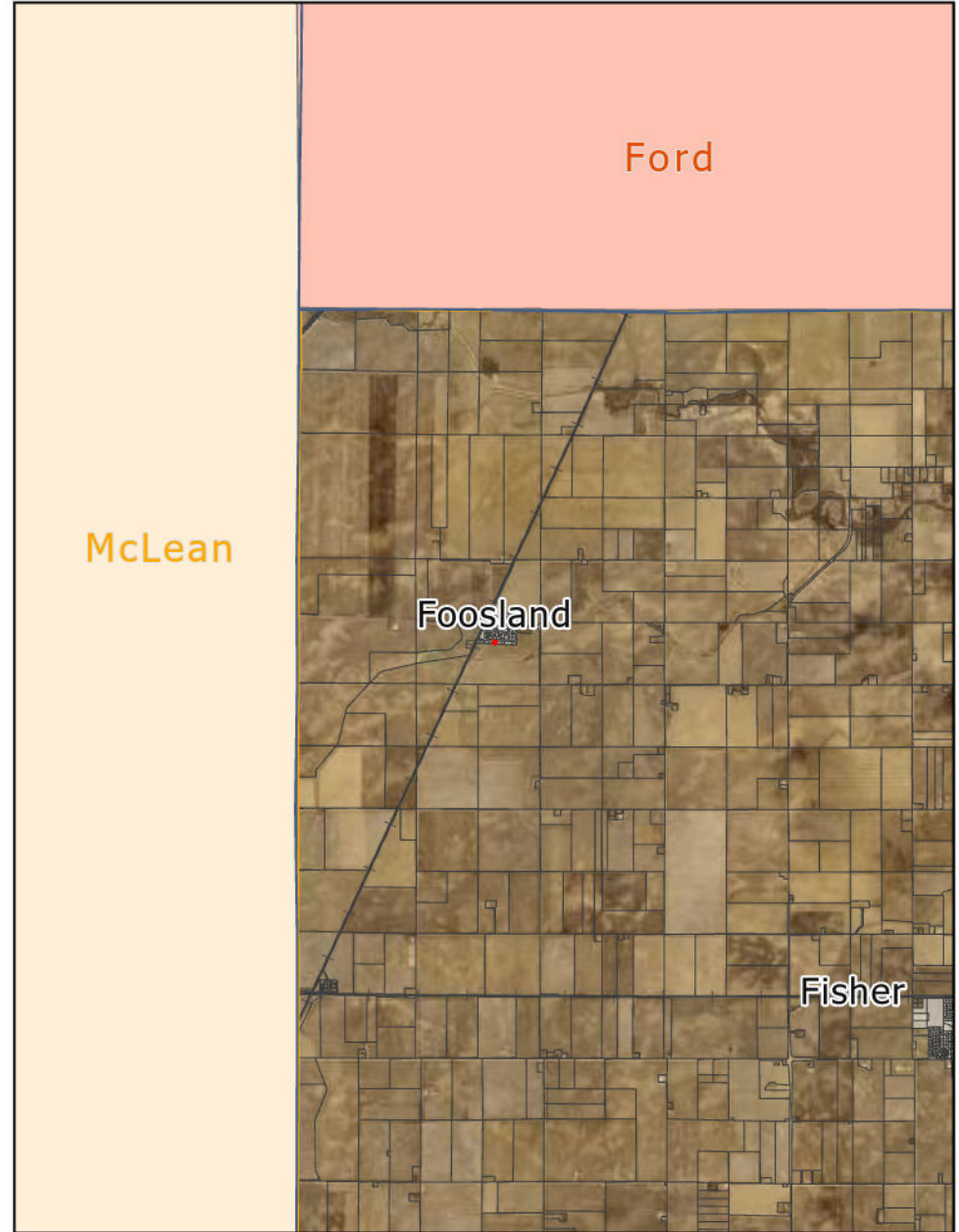
Subject Property



 Subject Parcel

0 0.5 1 Miles

Property location in Champaign County





0 2 4 Miles

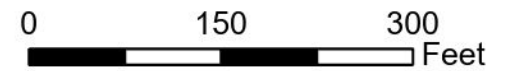
Land Use Map

Case 211-V-26

June 25, 2026



-  Subject Parcel
-  Post Office
-  Commercial/Agriculture
-  Residential
-  Agricultural








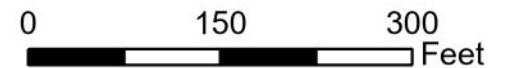
Zoning Map

Case 211-V-26

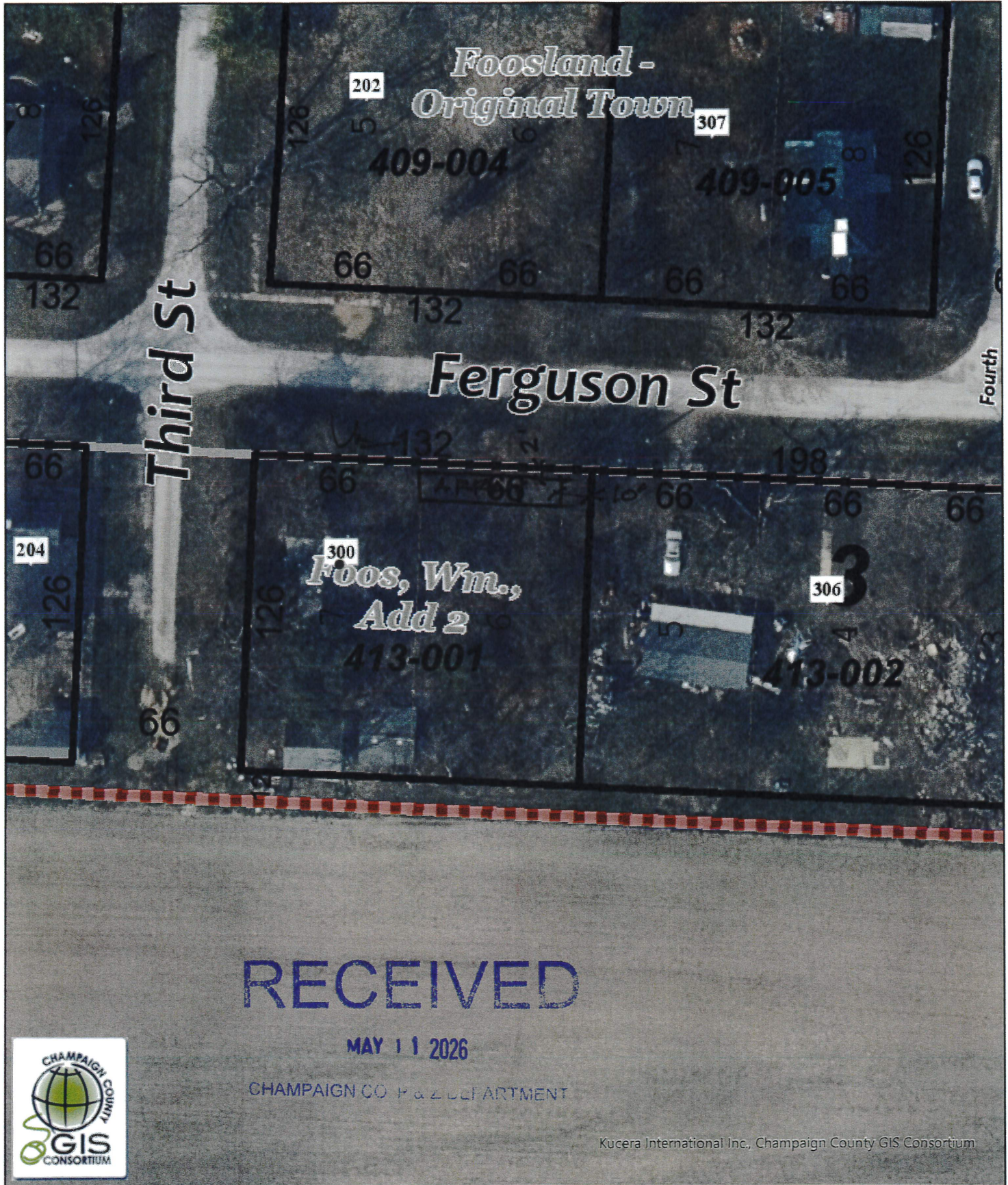
June 25, 2026



-  Subject Parcel
-  I-1 Light Industry
-  B-5 Central Business
-  R-2 Single-Family Residence
-  AG-1 Agriculture



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RECEIVED

MAY 11 2026

CHAMPAIGN CO P & Z DEPARTMENT

Kucera International Inc., Champaign County GIS Consortium



0.01



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), 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 application 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 application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.



Date: Monday, May 11, 2026

Annotated 2026 Aerial

Case 211-V-26

June 25, 2026



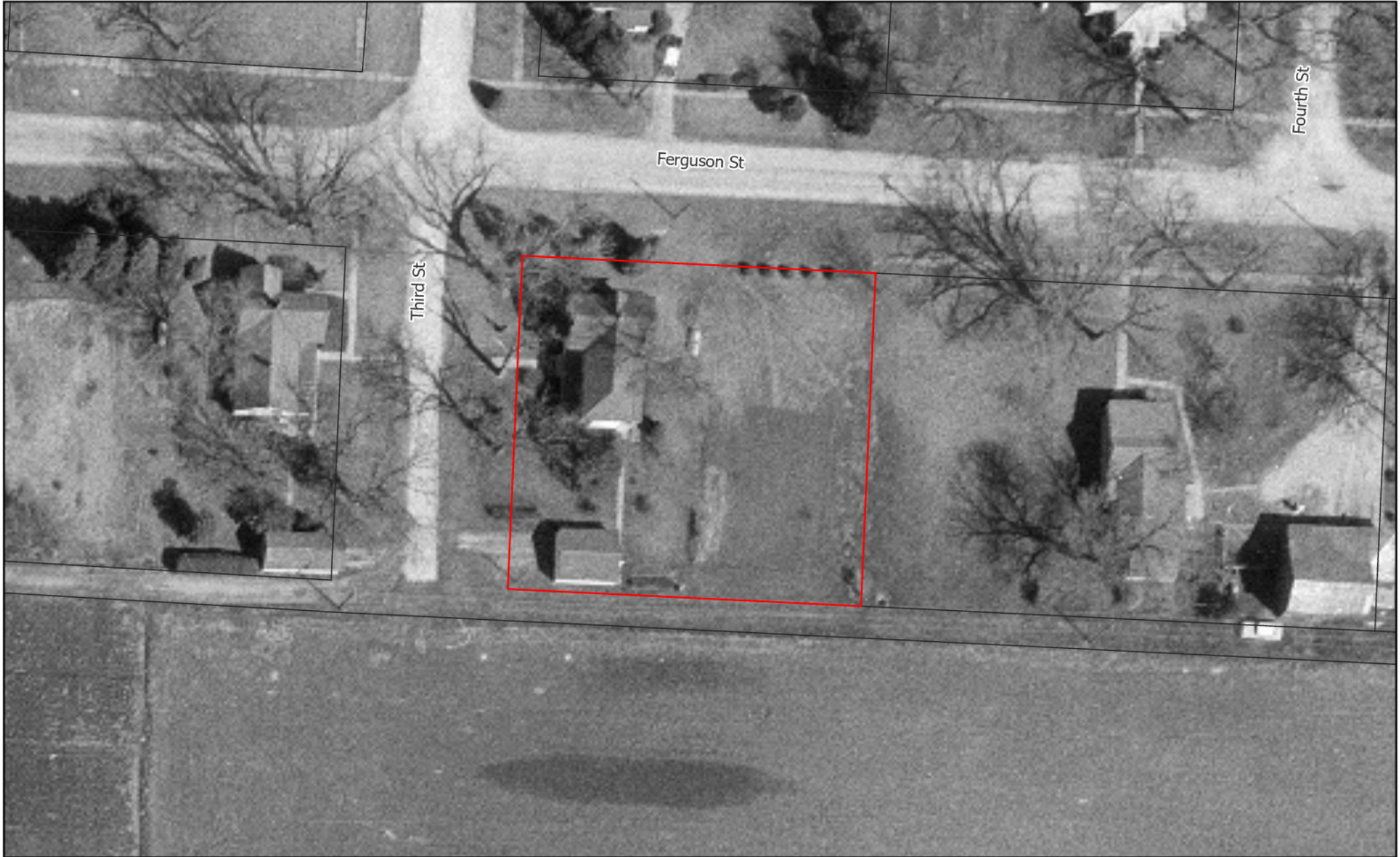
 Subject Parcel  Proposed Solar Array  50' Visibility Triangle



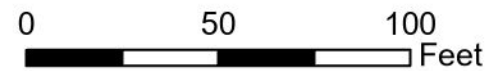
Annotated 1973 Aerial

Case 211-V-26

June 25, 2026



 Subject Parcel



Annotated 2002 Aerial


Case 211-V-26

June 25, 2026



 Subject Parcel

0 50 100 Feet



PLANNING &
ZONING



211-V-26 Site Images



From Ferguson St. looking west toward subject property.



From intersection of Ferguson and Third looking east toward subject property

211-V-26 Site Images



From intersection of Ferguson and Third looking south along Third.



From intersection of Ferguson and Third looking southeast toward subject property.

211-V-26 Site Images



From Third St looking east toward garages on the subject property.



From Ferguson St. looking south along east property line.

PRELIMINARY DRAFT

211-V-26

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of the
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/GRANTED WITH SPECIAL CONDITION(S)/DENIED}***

Date: ***{June 25, 2026}***

Petitioner: **Latif Khan**

Request: **Authorize the following variance in the R-2 Single Family Residence Zoning District on the subject property described below:**

Part A: Authorize a variance for a proposed ground mounted solar array with a setback of 35 feet from the centerline of Ferguson St. and a front yard of 2 feet in lieu of the required 55 feet and 25 feet respectively per Section 7.2.1 of the Zoning Ordinance.

Part B: Authorize a variance for an existing non-conforming single-family residence with a setback of 47 feet from the centerline of Third St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a variance for an existing non-conforming single-family residence with a front yard (north) of 22 feet in lieu of the required 25 feet per Section 5.3 of the Zoning Ordinance.

Part D: Authorize a variance for an existing non-conforming single-family residence located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

Part E: Authorize a variance for an existing non-conforming detached garage with a setback of 49 feet from the centerline of Third St., a front yard of 16 feet and a side yard of zero feet in lieu of the required 55 feet, 25 feet and 5 feet respectively per Section 5.3 and 7.2.1 of the Zoning Ordinance.

Part F: Authorize a variance for a second existing detached garage with a side yard of 3 feet in lieu of the required 5 feet per Section 7.2.1 of the Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 25, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Latif Khan, is the owner of the subject property at 300 Third St. Foosland. The property is Lot 6 and 7 of William Foo’s 2nd Addition to the Town of Foosland, in the Northwest Quarter of the Southeast Quarter of Section 17, Township 22 North, Range 7 East of the Third Principal Meridian, in Brown Township with PIN 02-01-17-413-001, commonly known as the property with an address of 300 Third St., Foosland.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
 - B. The subject property is located within Brown Township, which does not 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

3. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The .39-acre subject property is currently zoned R-2 Single Family Residence and is in use as a single-family residence.
 - B. Land to the north, west and east is zoned R-2 Single Family Residence and is in use as residential.
 - C. Land to the south is zoned AG-1 Agriculture and is in agricultural production.
4. There are no prior Zoning Cases for the subject property.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner’s Site Plan indicates the following:
 - (1) Existing structures on the property include:
 - a. One single family dwelling
 - b. One 16 ft. x 19 ft. detached garage
 - c. One 20 ft. x 20 ft. detached garage
 - (2) The petitioner proposes to construct a 10 ft. x 50 ft. ground mounted solar array in the northeast corner of the property.
 - B. Previous Zoning Use Permits for the subject property are:
 - (1) ZUPA 128-89-01 was approved on May 8, 1989, to construct the 20 ft. x 20 ft. detached garage.

PRELIMINARY DRAFT

- (2) The single family dwelling and 16 ft. x 19 ft. detached garage were constructed prior to the adoption of the Champaign County Zoning Ordinance in 1973.
- C. The requested variance includes the following:
- (1) Authorize a variance for a proposed ground mounted solar array with a setback of 35 feet from the centerline of Ferguson St. and a front yard of 2 feet in lieu of the required 55 feet and 25 feet respectively per Section 7.2.1 of the Zoning Ordinance.
 - (2) Authorize a variance for an existing non-conforming single-family residence with a setback of 47 feet from the centerline of Third St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.
 - (3) Authorize a variance for an existing non-conforming single-family residence with a front yard (north) of 22 feet in lieu of the required 25 feet per Section 5.3 of the Zoning Ordinance.
 - (4) Authorize a variance for an existing non-conforming single-family residence located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.
 - (5) Authorize a variance for an existing non-conforming detached garage with a setback of 49 feet from the centerline of Third St., a front yard of 16 feet and a side yard of zero feet in lieu of the required 55 feet, 25 feet and 5 feet respectively per Section 5.3 and 7.2.1 of the Zoning Ordinance.
 - (6) Authorize a variance for a second existing detached garage with a side yard of 3 feet in lieu of the required 5 feet per Section 7.2.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
 - (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, CORNER” is a LOT located:
 - (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet
- (6) “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.
- (7) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (8) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
- (9) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (10) “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.
- (11) “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.
- (12) “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.
- (13) “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

PRELIMINARY DRAFT

STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

- (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-2 Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- C. Section 8.3.2 for non-conforming structures states, “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. The BOARD may authorize such a VARIANCE prior to such STRUCTURE incurring any damage or destruction.”
- 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 9.1.9C. 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.
 - (3) Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance
- E. Regarding the proposed variance:
- (1) Minimum setback from the centerline of a MINOR STREET for a STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 5.3 of the *Zoning Ordinance* as 55 feet.

- (2) Minimum FRONT YARD for a structure in the R-2 Single Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
- (3) Minimum SIDE YARD from SIDE LOT LINE to an ACCESSORY STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 7.2.2 of the Zoning Ordinance as 5 feet
- (4) Minimum corner visibility triangle is established in Section 4.3.3 F.1. of the *Zoning Ordinance* as a straight line joining points along said STREET RIGHT-OF-WAY lines 50 feet from the nearest point of intersection

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 testified the following on the application: **“To avoid shading of the solar panel by the house we had to set it back.”**
 - B. The house and detached garage were constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973.
 - C. A Zoning Use Permit for the easternmost detached garage was approved in 1989 with a side yard setback of 3 ft. instead of the required 5 ft. This approval was in error, and the requested variance will correct that issue.
 - D. Regarding variance Part A, the location of the existing buildings and trees on the property results in a limited area for the construction of a ground mounted solar array.
 - E. Regarding Variance Part B through E, these variances were added so that the legally non-conforming house and garage can be reconstructed in their current locations should they be destroyed by any means.
 - F. Regarding variance Part F, this variance was added to correct the error in approving the eastern garage with a side yard of 3 ft. in lieu of the required 5 ft.

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 Petitioners testified the following on the application: **“There were a lot of mature trees and leach field that would have adversely affected the installation of the panels.”**
 - B. Regarding variance Part A, without the proposed variance, the proposed solar array would have to be installed in an area of the property that could affect the existing septic system and could be shaded by the buildings or existing trees.

- C. Regarding variance Parts B through F, without the proposed variance, the existing house and garages could not be rebuilt in the same locations should they be destroyed.

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 Petitioners testified the following on the application: **“No.”**
 - B. Regarding variance Part A, the petitioner purchased the property in its current condition in 2024. The location of the existing buildings and trees on the property results in a limited area for the construction of a ground mounted solar array.
 - C. Regarding variance Parts B through F, the petitioner purchased the property in its current condition with all the buildings in place. The house and one garage were constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973 and the other garage received a Zoning Use Permit in error.

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 Petitioners testified the following on the application: **“Use of Solar energy and adopting modern environmentally friendly means in rural areas will promote modern living conditions.”**
 - B. Regarding variance Part A for a proposed ground-mounted solar array with a setback from the centerline of Ferguson St. of 35 feet and a front yard of 2 feet in lieu of the minimum required 55 and 25 feet: the requested setback variance is 64% of the minimum required, for a variance of 36% and the requested front yard variance is 8% of the minimum required, for a variance of 92%.
 - C. Regarding variance Part B for an existing non-conforming single-family residence with a setback from the centerline of Third St. of 47 feet and a front yard of 14 feet in lieu of the minimum required 55 feet 25 feet respectively: the requested setback variance is 85% of the minimum required, for a variance of 15% and the requested front yard variance is 56% of the minimum required, for a variance of 44%.
 - D. Regarding variance Part C for an existing non-conforming single-family residence with a front yard of 22 feet in lieu of the minimum required 25 feet: the requested front yard variance is 88% of the minimum required, for a variance of 12%.
 - E. Regarding variance Part D for an existing non-conforming single-family residence located within the corner visibility triangle: the requested variance is 100%.
 - F. Regarding variance Part E for an existing non-conforming detached garage with a setback from the centerline of Third St. of 49 feet and a front yard of 16 feet in lieu of the

minimum required 55 feet 25 feet respectively: the requested setback variance is 89% of the minimum required, for a variance of 11% and the requested front yard variance is 64% of the minimum required, for a variance of 36%.

- G. Regarding variance Part F for an existing detached garage with a side yard of 3 feet in lieu of the minimum required 5 feet: the requested variance is 60% for a variance of 40%.
- H. 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 Ferguson St. or Third St. in this location.
 - (3) Parking, where applicable.
 - a. The right-of-way for Ferguson St. and Third St. is 66 feet which can accommodate parking in the right of way that does not impede traffic.
- I. The requested variance is not prohibited by the *Zoning Ordinance*.
- J. Regarding the proposed variance for not locating in the visibility triangle, the Zoning Ordinance seeks to not impede vision for adjacent road traffic.
 - (1) In this location there is limited vehicle traffic, and vehicle speeds are low.
- K. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air.
 - a. There are no structures on the adjacent property.
 - (2) Separation of structures to prevent conflagration: The subject property is within the jurisdiction of the Sangamon Valley Fire Protection District. The station is approximately 7.7 road miles from the subject property.
 - (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 Petitioners testified the following on the application: **“The solar energy is environmentally more acceptable than using gas or electricity generated by fossil fuels.”**

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- B. The Brown Township Road Commissioner and the County Highway Department have been notified of this variance, and no comments have been received.
- C. The Sangamon Valley 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 Petitioners testified the following on the application: **“The panels are far enough from the road to allow for its expansion in the future.”**

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. Application for Variance received May 11, 2026, with attachments:
 - A Site Plan showing solar array location submitted May 11, 2026
- 2. Preliminary Memorandum dated June 18, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan showing solar array location submitted May 11, 2026
 - C 2026 Annotated Aerial Photos showing proposed solar array and existing buildings
 - D 1973 and 2002 Aerial photos showing existing buildings
 - E Site Images taken June 16, 2026
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 211-V-26 dated June 25, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **211-V-26** held on **June 25, 2026**, 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 home and one of the detached garages on the subject property were constructed prior to the adoption of the Champaign County Zoning Ordinance in 1973.***
 - b. ***A Zoning Use Permit for the east garage was approved in error with a 3 ft. side yard.***
 - b. ***the location of the existing buildings and trees on the property results in a limited area for the construction of a ground mounted solar array.***
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 variance Part A: without the variance the proposed solar array will have to be constructed in an area that could interfere with the existing septic system or be shaded by trees.***
 - b. ***Regarding variance Parts B through F: without the proposed variances the existing house and garages could not be reconstructed in the same locations.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The existing house and two garages were constructed prior to the petitioner's acquisition of the property in 2024 .***
 - b. ***The petitioner purchased the lot in 2024 with the existing buildings and trees.***
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS}** **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***Regarding variance Part A through F: there are no known plans to expand Ferguson St. or Third St. in this location.***
 - b. ***Regarding variance Part D: in this location there is limited vehicle traffic, and vehicle speeds are low.***
 - c. ***Regarding variance Part F: there are no structures on adjacent properties.***
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***The Brown Township Highway Commissioner was notified of the case, and no comments have been received.***
 - b. ***Other relevant jurisdictions and neighboring landowners have been notified of this case, and no comments have been received.***
6. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS}** **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***Regarding variance Part A: the requested variance is the minimum variance required to provide sufficient sunlight to the solar array.***

- b. Regarding variance Part B through F, the requested variance is the minimum variance required to be able to rebuild the house and garages in the same location should the buildings be destroyed.*

- 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 211-V-26 is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioner, **Latif Khan**, to authorize the following:

Authorize the following variance in the R-2 Single Family Residence Zoning District:

Part A: Authorize a variance for a proposed ground mounted solar array with a setback of 35 feet from the centerline of Ferguson St. and a front yard of 2 feet in lieu of the required 55 feet and 25 feet respectively per Section 7.2.1 of the Zoning Ordinance.

Part B: Authorize a variance for an existing non-conforming single-family residence with a setback of 47 feet from the centerline of Third St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part C: Authorize a variance for an existing non-conforming single-family residence with a front yard (north) of 22 feet in lieu of the required 25 feet per Section 5.3 of the Zoning Ordinance.

Part D: Authorize a variance for an existing non-conforming single-family residence located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

Part E: Authorize a variance for an existing non-conforming detached garage with a setback of 49 feet from the centerline of Third St., a front yard of 16 feet and a side yard of zero feet in lieu of the required 55 feet, 25 feet and 5 feet respectively per Section 5.3 and 7.2.1 of the Zoning Ordinance.

Part F: Authorize a variance for a second existing detached garage with a side yard of 3 feet in lieu of the required 5 feet per Section 7.2.1 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:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date