

CASE NO. 160-V-24

PRELIMINARY MEMORANDUM

February 5, 2025

Petitioner: Bradley Ash d.b.a. Galesville Elevator Co.

Request: Authorize the following variance in the B-1 Rural Trade Center Zoning District:

Part A: A variance for a proposed grain bin on the southeast corner of the 2.44 acre subject property, with a front yard of 0 feet and a setback of 48 feet on CR 3050N, and a front yard of 0 feet and a setback of 20 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a proposed grain bin located within the corner visibility triangle of CR 3055N and CR 3050N, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

Subject Property: A 2.44-acre tract of land in the Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Fooseland.

Site Area: 2.44 acres

Time Schedule for Development: As soon as possible

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

BACKGROUND

The grain elevator in unincorporated Lotus existed prior to the adoption of the Zoning Ordinance on October 10, 1973. Leon Ash purchased the 2.44-acre Galesville Elevator in 1986; his grandson, Bradley Ash is a stakeholder and manages the elevator. The petitioner would like to construct a 72 feet diameter grain bin at the southeast corner of the subject property.

Case 999-AM-21 was approved March 18, 2021, to rezone the property from B-5 Central Business District and R-1 Single-Family Residence to B-1 Rural Trade Center. Case 001-V-24 was approved February 11, 2021, to allow setback and yard variances to existing and proposed structures on the property and to allow outdoor storage and operations without a Type D screen.

The Site Plan received December 10, 2024, shows a proposed 72-ft. diameter, 85-ft. tall grain bin to be constructed in the southeast corner of the property. The existing grain storage ring and concrete foundation in the area will be removed.

Need for Variance

The B-1 Rural Trade District requires structures to be set back from the centerline of the street a minimum of 55 feet and to have a front yard of 25 feet from the edge of the right-of-way. All corner lots require that nothing be constructed that will impede vision within 50 feet of the intersection of the street right-of-way lines.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Galesville Elevator	B-1 Rural Trade Center
North	Agriculture	R-1 Single Family Res.
East	Residential	R-1 & B-5 Central Business
West	Agriculture and Residential	AG-1 Agriculture
South	Agriculture	AG-1 & B-5

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Brown Township, which does not have a Plan Commission.

SPECIAL CONDITIONS

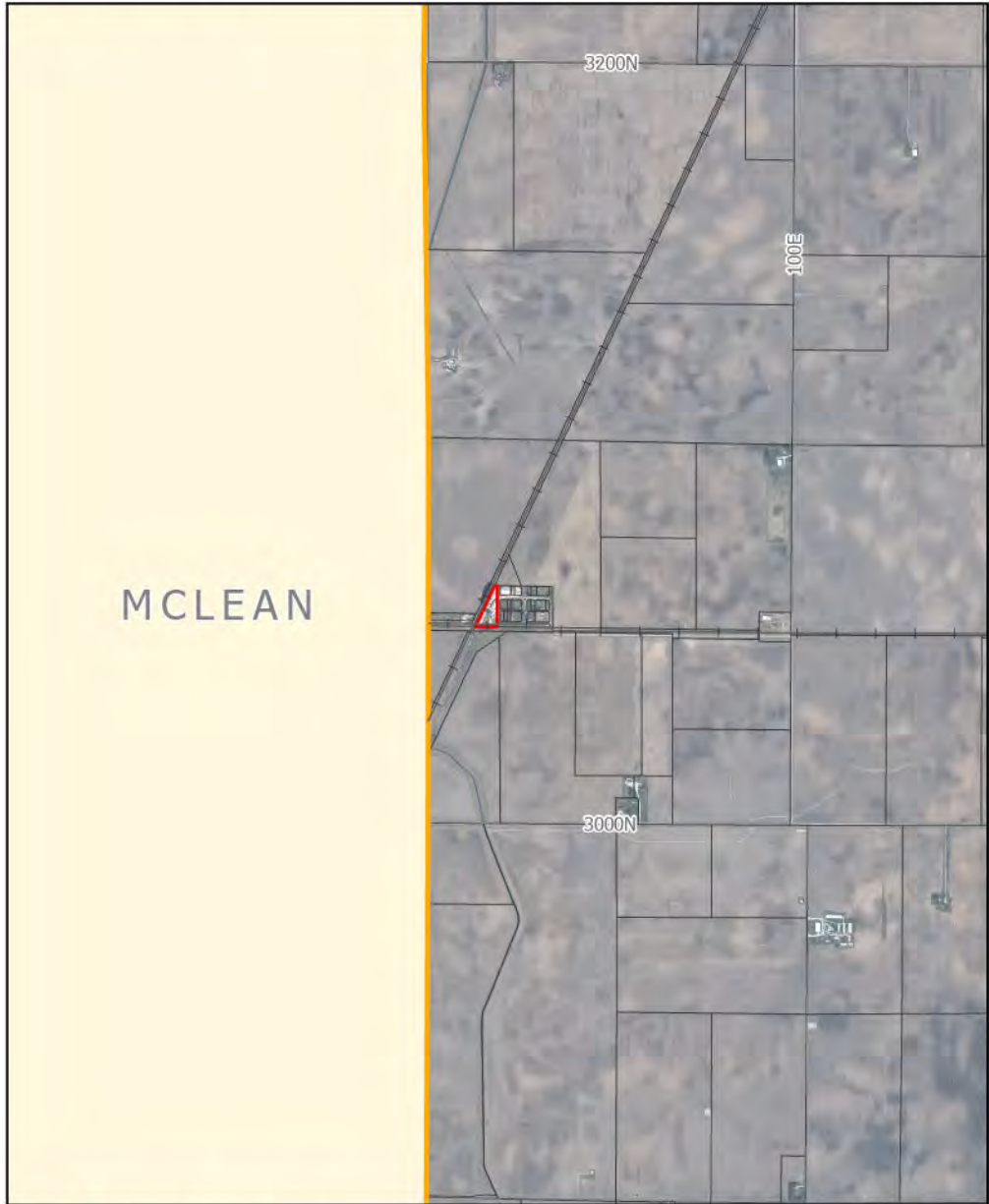
No special conditions are proposed.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Annotated Aerial Photo with Setbacks
- C Aerial Photo 1973
- D Site Plan and Elevations received December 10, 2024
- E Images of Subject Property taken February 5, 2025
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated February 13, 2025

Location Map
Case 160-V-24
February 13, 2025

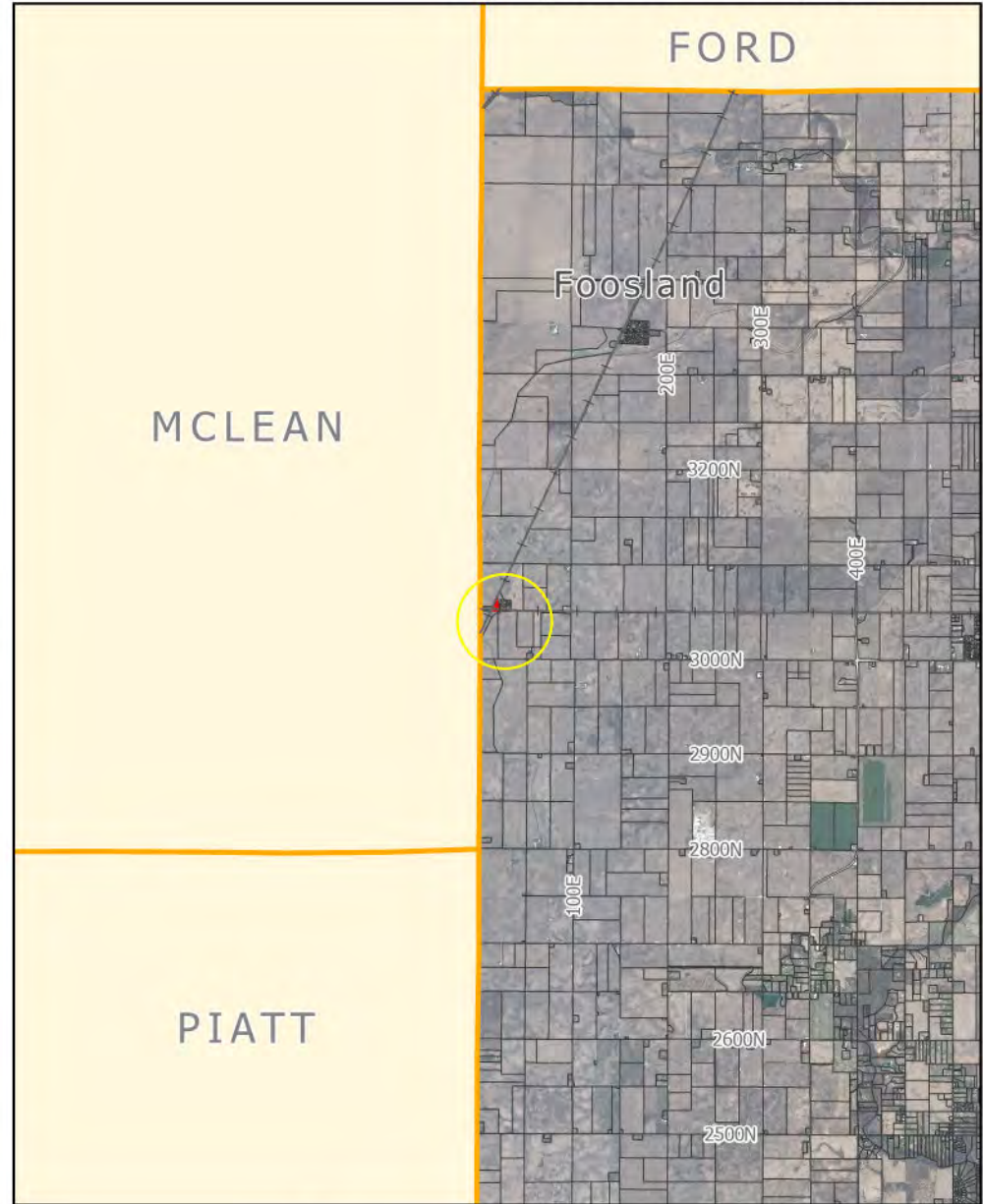
Subject Property



 Subject Property

0 0.5 1 Miles

Property Location in Champaign County



0 2 4 Miles




PLANNING &
ZONING

Land Use Map



Case 160-V-24

February 13, 2025



-  Subject Property
-  Agricultural
-  Commercial
-  Residential

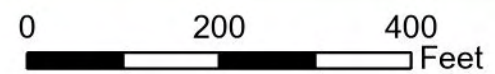
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Zoning Map
Case 160-V-24
February 13, 2025



- Subject Property
- B-1 Rural Trade Center
- R-1 Single-Family Residence
- AG-1 Agriculture
- B-5 Central Business




Annotated 2023 Aerial

Case 160-V-24

February 13, 2025



 Subject Property

 Proposed Grain Bin

 50' Visibility Triangle

 Right of Way

 Proposed Setbacks

Proposed FY Setbacks of 0'

0 100 200 Feet



Annotated 1973 Aerial

Case 160-V-24

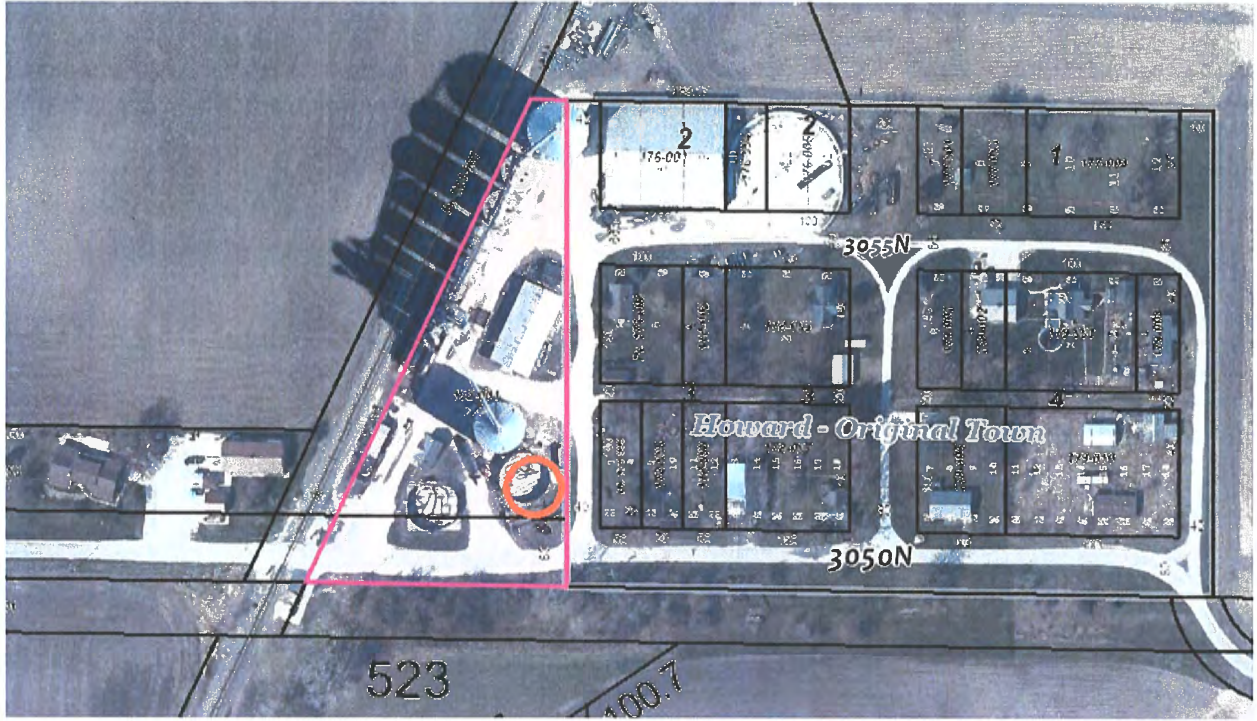
February 13, 2025



 Subject Property

0 100 200 Feet





RECEIVED

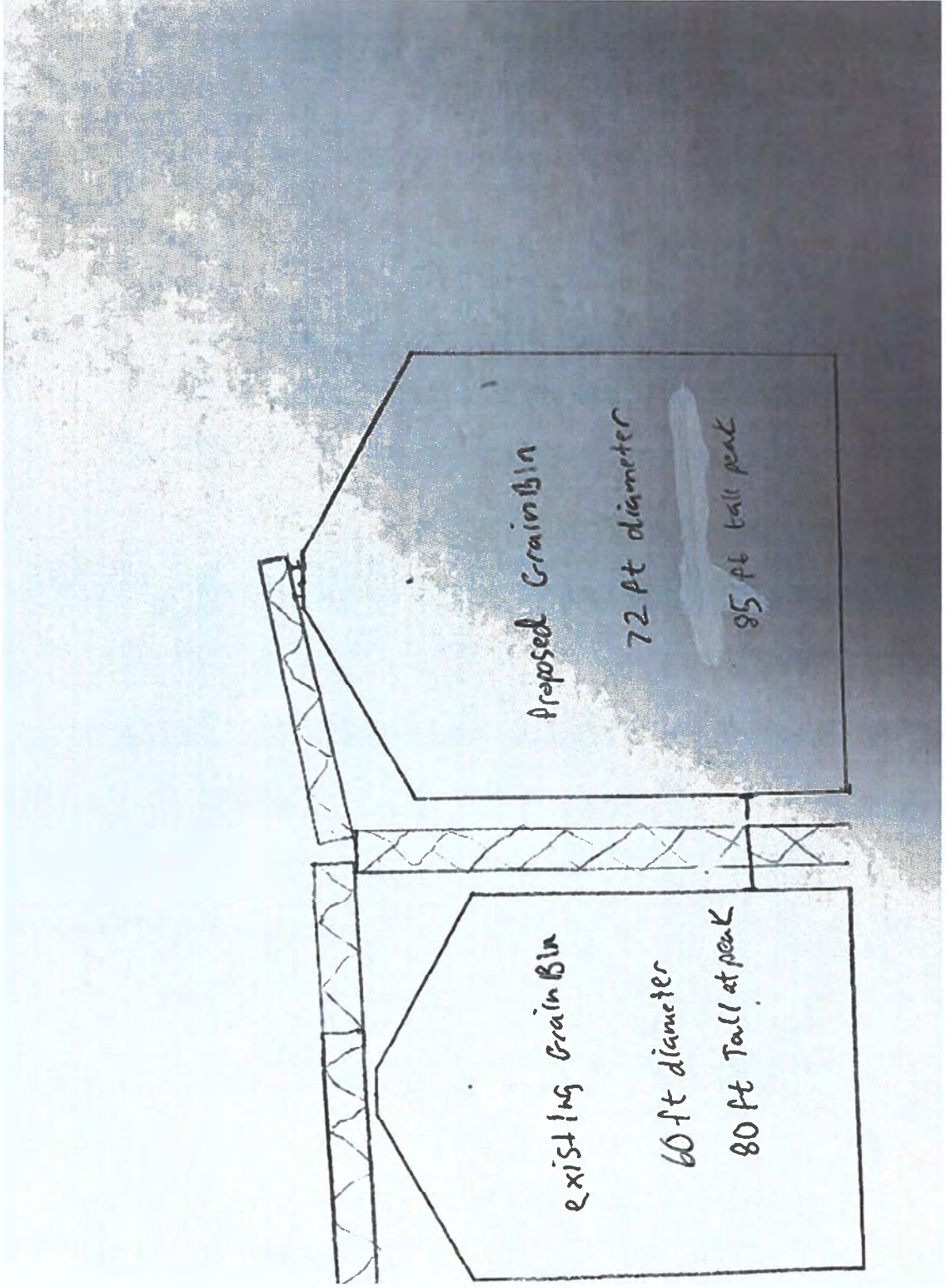
DEC 10 2024

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

DEC 10 2024

CHAMPAIGN CO. P & Z DEPARTMENT



160-V-24 Site Images



From 3050N looking north at the west entrance of the elevator



From 3050N looking northeast toward the proposed grain bin location

160-V-24 Site Images



From 3050N looking north along 3055N



From the intersection of 3050N and 3055N looking east along 3050N

160-V-24 Site Images



From the intersection of 3050N and 3055N looking west along 3050N

PRELIMINARY DRAFT

160-V-24

**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: *{February 13, 2025}*

Petitioner: **Bradley Ash d.b.a. Galesville Elevator Co.**

Request: **Authorize the following variance in the B-1 Rural Trade Center Zoning District:**

Part A: A variance for a proposed grain bin on the southeast corner of the 2.44 acre subject property, with a front yard of 0 feet and a setback of 48 feet on CR 3050N, and a front yard of 0 feet and a setback of 20 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a proposed grain bin located within the corner visibility triangle of CR 3055N and CR 3050N, per Section 4.3.3 F.1. of the Champaign County 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 **February 13, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Bradley Ash d.b.a. Galesville Elevator Co, is a stakeholder in the Galesville Elevator Company located on the subject property.
2. The subject property is a 2.44-acre tract of land in the Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North Range 7 East of the Third Principal Meridian in Brown Township and commonly known as the Galesville Elevator Co., with an address of 10 CR 3050N, Foosland.
3. 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 in Brown Township, which does not have a Planning Commission.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 2.44-acre subject property is part of the land used for the Galesville Elevator Company and is zoned B-1 Rural Trade Center.
 - B. Land to the north is zoned R-1 Single Family Residence and is in agricultural production.
 - C. Land to east is zoned B-5 Central Business and R-1 Single Family Residence and is residential in use.
 - D. Land to the south is zoned AG-1 Agriculture and is in agricultural production.
 - E. Land to west is zoned AG-1 Agriculture and is in agricultural production except for one residential lot.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Revised Site Plan received on December 10, 2024, indicates the following existing and proposed features:
 - (1) Existing structures on the subject property from south to north include the following:
 - a. One 60 feet diameter grain ring, which is the subject of Variance Case 001-V-21;
 - b. A second 60 feet diameter grain ring located in the southeast corner of the property which is the subject of Variance Case 001-V-21;
 - c. One 34 feet by 22 feet office located north of the southernmost grain ring;

- d. One 40 feet by 14 feet (560 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973;
 - e. One 60 feet diameter grain bin located northeast of the office building;
 - f. One 50 feet by 100 feet (5,000 square feet) storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973, which is the subject of Variance Case 001-V-21;
 - g. A series of 7 grain bins and a dryer tank located parallel to the railroad tracks;
- (2) A proposed 85-ft. tall, 72-ft. diameter grain bin to be located at the southeastern corner of the property at the intersection of CR 3050N and the north-south segment of CR 3055N.
 - (3) The existing grain ring in the area of the proposed bin at the southeast corner of the property will be removed.
- B. The following are previous Zoning Use Permits for the subject property:
- (1) ZUPA #153-86-03 was approved on June 2, 1986, for construction of a grain storage bin along the railroad tracks.
 - (2) ZUPA #149-87-03 was approved on May 29, 1987, for construction of the grain storage building on Lots 7, 8, and 9.
 - (3) ZUPA #195-02-03 was approved on July 14, 1992, for construction of two grain rings along the railroad tracks, to replace bins destroyed by high winds.
 - (4) ZUPA #188-04-03 was approved for on July 16, 2004, for construction of the grain bin located in the center of the 2.44-acre lot.
 - (5) ZUPA #078-21-01 was approved for on March 26, 2021, for construction of the grain bin located at the north end of the property.
- C. The following are previous Zoning Cases for the subject property:
- (1) Case 999-AM-21 was approved March 18, 2021, to rezone the property from B-5 Central Business District and R-1 Single-Family Residence to B-1 Rural Trade Center;
 - (2) Case 001-V-24 was approved February 11, 2021, to allow setback and yard variances to existing and proposed structures on the property and to allow outdoor storage and operations without a Type D screen.
- D. The proposed variance includes the following, as shown on the Revised Site Plan received on December 10, 2024:
- (1) Part A: A variance for a proposed grain bin on the southeast corner of the 2.44-acre subject property, with a front yard of 0 feet and a setback of 48 feet from CR

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3050N, and a front yard of 0 feet and a setback of 20 feet on the north-south segment of CR 3055N.

- (2) Part B: Authorize a proposed grain bin located within the corner visibility triangle of CR 3055N and CR 3050N, per Section 4.3.3 F.1. 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) “ACCESSORY BUILDING” is a BUILDING on the same LOT with 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 and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE.
 - (2) “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.
 - (3) ““AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (4) “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, animal, and chattels.
 - (5) “BUILDING, MAIN or PRINCIPAL” is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.

- (6) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
- (7) “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.
- (8) “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.
- (9) “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.
- (10) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (11) “LOT LINES” are the lines bounding a LOT.
- (12) “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.
- (13) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (14) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (15) “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.

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- (16) “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
 - (17) “STRUCTURE” is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
 - (18) “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.
 - (19) “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.
 - (20) “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.
 - (21) “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 B-1, Rural Trade Center DISTRICT is intended to provide areas for AGRICULTURAL related business services to rural residents.
- 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.
 - 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 a MINOR STREET in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 55 feet.
 - (2) Minimum FRONT YARD in the B-1 Rural Trade Center Zoning District is established in Section 5.3 of the *Zoning Ordinance* as 25 feet.
 - (2) The 50-foot visibility triangle is established in Section 4.3.3 F.1. of the Zoning Ordinance.

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, **“The grain bin we want to build will require a variance due to the location it needs to go. We cannot build to the north due to the location of gas utilities. We cannot build east due to excessive expense to move grain that far. The only cost-effective location with enough room is on the southeast part of the property.”**
 - B. Surveys recorded April 29, 1986, by Charles Danner and July 26, 2021 by Adam Boothe shows CR 3050N running through the 2.44-acre subject property, which differs from the typical property line that would center on the roadway or be north of the roadway.
 - C. The property has been in operation as a grain elevator since prior to the adoption of the Champaign County Zoning Ordinance.
 - D. The property is constrained by a rail line to the west, County Road 3050N and a railway right-of-way to the south and County Road 3055N to the east
 - E. The required setback for a structure in the B-1 Zoning District is 55 feet from the centerline of the road or 25 feet from the property line whichever is further back on the property.

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- (1) The right-of-way for CR 3050N is 80 feet.
 - (2) The centerline of CR 3050N is 48 feet from the north line of the right-of-way of CR 3050N making the required setback 7 feet, and the required front yard 25 feet from the edge of the right-of-way of CR 3050N.
 - (3) The right-of-way for CR 3055N is 40 feet.
 - (4) The centerline of CR 3055N is 20 feet from the east property making the required setback 25 feet, and the required front yard 25 feet from the edge of the right-of-way of CR 3055N.
- F With CR 3050N being offset within the 80 feet wide right-of-way, the required visibility triangle would extend 130 feet from the south property line and 50 feet from the east property line.

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, **“Granting the variance is the only way we will be able to build the proposed grain bin. As mentioned in Part A, no other feasible location exists on the property. A reduction in size of the proposed grain bin would make the project uneconomical. A smaller diameter bin would not hold the amount of grain desired to justify all the infrastructure associated with a bin (electrical, filling and unloading equipment, crane, fans, etc.)”**
 - B. Regarding the proposed variance: without the proposed variance, the petitioner will not be able to construct the bin at this facility.

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, **“None of the questioned items have resulted from actions taken by myself. When we rezoned in 2021, we were granted variances for all the previous structures built at this location, also a proposed grain bin at that time. Some structures were built before Champaign County adopted a zoning ordinance in 1973. Other structures were built under different zoning setbacks.”**
 - B. The property is surrounded on three sides by rights-of-way.
 - C. The property has been in use as a grain elevator since prior to the adoption of the Champaign County Zoning Ordinance. Expansion of the business has left minimal room on the subject property to construct an additional grain bin.

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, **“Under section q. of the purpose of the Zoning Ordinance, it lists encouraging the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities. By granting us this variance it would do just that. With harvest equipment only getting larger and grain yields improving with better seed technology and farming practices, adding additional grain space is a necessity. If granted, this grain bin will help us provide better service to local farmers in which we provide them with a market for the crops they raise.”**
 - B. Regarding variance Part A for a structure with a front yard of 0 feet and a setback of 48 feet on CR 3050N, and a front yard of 0 feet and a setback of 20 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback: Along CR 3050N, the requested variance for the front yard is a variance of 100%, and the setback is 87% of the minimum required for a variance of 13%, and along CR 3055N the requested variance for the front yard is a variance of 100%, and the setback is 36% of the minimum required, for a variance of 64%.
 - C. Regarding variance Part B for a building located in the visibility triangle: the proposed structure location results in a visibility triangle of 22 feet for a requested variance of 56%.
 - D. Regarding the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlay the minimum front yard requirements. In general, the front yard requirement is presumably 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 CR 3050N or CR 3055N in this area.
 - (3) Parking where applicable.
 - E. Regarding the proposed variance for not locating in the visibility triangle, the Zoning Ordinance seeks to not impede vision for adjacent road traffic.
 - (1) CR 3050N and CR 3055N are low speed streets with limited traffic.
 - (2) There are other existing non-conforming houses in the neighborhood that are constructed within the corner visibility triangle that do not impede vision for adjacent road traffic.

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:

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- A. The Petitioner has testified on the application: **“Granting this variance will not be injurious. The two temporary grain rings on the south and southeast part of the property were once inside sheds. These sheds were built prior to when the zoning ordinance was passed. In 1992 these sheds were blown away from a tornado, leaving the grain rings exposed to the elements. We want to build the proposed grain bin on the southeast corner of the property. The bin will not impede traffic. The bin will impede visibility less than the sheds did prior to the tornado. Runoff will decrease. The old east shed foundation that will be removed has a larger footprint than the proposed bin.”**
- B. The Brown Township Road Commissioner has been notified of this variance, and no comments have been received.
- C. The Brown Township Supervisor has been notified of this variance, and no comments have been received.
- D. 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 Petitioner has testified on the application: **“The construction of this grain bin will help us provide better service to local farmers in the area. There have also been other variances granted in the area with no impact to the community. According to the GIS, of the existing houses and structures in lotus many either impede or are close to the road right-of-way.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. **No special conditions are proposed at this time.**

DOCUMENTS OF RECORD

1. Variance Application received November 21, 2024, with attachments:
 - A Site Plan received November 21, 2024
 - B Plat of Survey received November 21, 2024
 - C Revised Site Plan received December 10, 2024
 - D Grain Bin Elevations received December 10, 2024
 - E Revised Variance Criteria Responses received December 10, 2024

2. Preliminary Memorandum dated February 5, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Annotated Aerial Photo with Setbacks
 - C Aerial Photo 1973
 - D Site Plan and Elevations received December 10, 2024
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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 160-V-24 held on February 13, 2025, 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 property is surrounded by right-of-way on three sides and the right-of-way for CR 3050N runs through the 2.44-acre subject property, which differs from the typical property line that would center on the roadway or be north of the roadway.***
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 approval of the proposed variances, there is not sufficient space to construct the grain bin on the subject property.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***The property is surrounded by right-of-way on three sides and has been in use as a grain elevator since prior to the adoption of the Champaign County Zoning Ordinance. Expansion of the business has left minimal room on the subject property to construct an additional grain bin.***
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 proposed grain bin location provides adequate separation from roadways and adequate visibility for any vehicles on CR 3050N and 3055N.***
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.***
 - b. ***There are no known plans to expand CR 3050N or CR 3055N in this area.***
 - c. ***There are other existing non-conforming houses in the neighborhood that are constructed within the corner visibility triangle that do not impede visibility for adjacent road traffic.***
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 variance required to construct the proposed grain bin on the property and make use of the existing elevator infrastructure.***
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 **160-V-24** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Bradley Ash d.b.a. Galesville Elevator Co.**, to authorize the following:

Authorize the following variance in the B-1 Rural Trade Center Zoning District:

Part A: A variance for a proposed grain bin on the southeast corner of the 2.44 acre subject property, with a front yard of 0 feet and a setback of 48 feet on CR 3050N, and a front yard of 0 feet and a setback of 20 feet on the north-south segment of CR 3055N, in lieu of the minimum required 25 feet front yard and 55 feet setback, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a proposed grain bin located within the corner visibility triangle of CR 3055N and CR 3050N, per Section 4.3.3 F.1. 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