

CASE 169-V-25

PRELIMINARY MEMORANDUM

July 24, 2025

Petitioner: Steven Brocksmith

Request: Authorize a variance for the following in the R-2 Single Family Residence Zoning District.

Part A-1: A proposed sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 5.3 of the Zoning Ordinance.

Part A-2: A proposed sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.

Part B-1: An existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-2: An existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-3: An existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street, per Section 4.3.3 F.1. of the Zoning Ordinance.

Part C: An existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively per Section 7.2.2 of the Zoning Ordinance.

Part D: An existing lot in the R-2 Single Family Residence Zoning District with an area of approximately 12,985 square feet in lieu of the minimum required 20,000 square feet per section 4.3.4 of the Zoning Ordinance.

Location: The North Half of Lots 1, 2 and 3 and the Northeast Quarter of Lot 4 in Block 6 of the Original Town of Seymour as per plat recorded in Plat Book "32" at Page 516 Section 17, Township 19 North Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the property with address 109 N. Sheridan Street, Seymour.

Site Area: 12,985 sq. ft.

Time Schedule for Development: Already in use

**Prepared by: Charlie Campo, Zoning Officer
John Hall, Zoning Administrator
Trevor Partin, Associate Planner**

BACKGROUND

The petitioner submitted a Zoning Use Permit Application to construct a sunroom addition on the south side of the existing house. During the review of the application, it was noticed that an addition to the detached garage and a gazebo had been constructed without an approved Zoning Use Permit. Both structures were located less than the required 25 feet from the north property line and 55 feet from the centerline of W. Front St. The Zoning Use Permit was approved for the sunroom addition with the condition that the petitioner apply for a variance for the garage addition and gazebo (Part C). Upon review of the Variance Application, it was determined that additional variances were required for the location of the sunroom addition (Part A-1 and A-2), the existing house (Part B) and the area of the lot (Part D).

MUNICIPAL JURISDICTION

The subject property is located within the Village of Seymour which is not an incorporated municipality.

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	R-2 Single Family Res.
North	Vacant Lot, RR Right of Way	AG-2 Agriculture
East	Residential	R-2 Single Family Res.
West	Residential	R-2 Single Family Res.
South	Residential	R-2 Single Family Res.

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

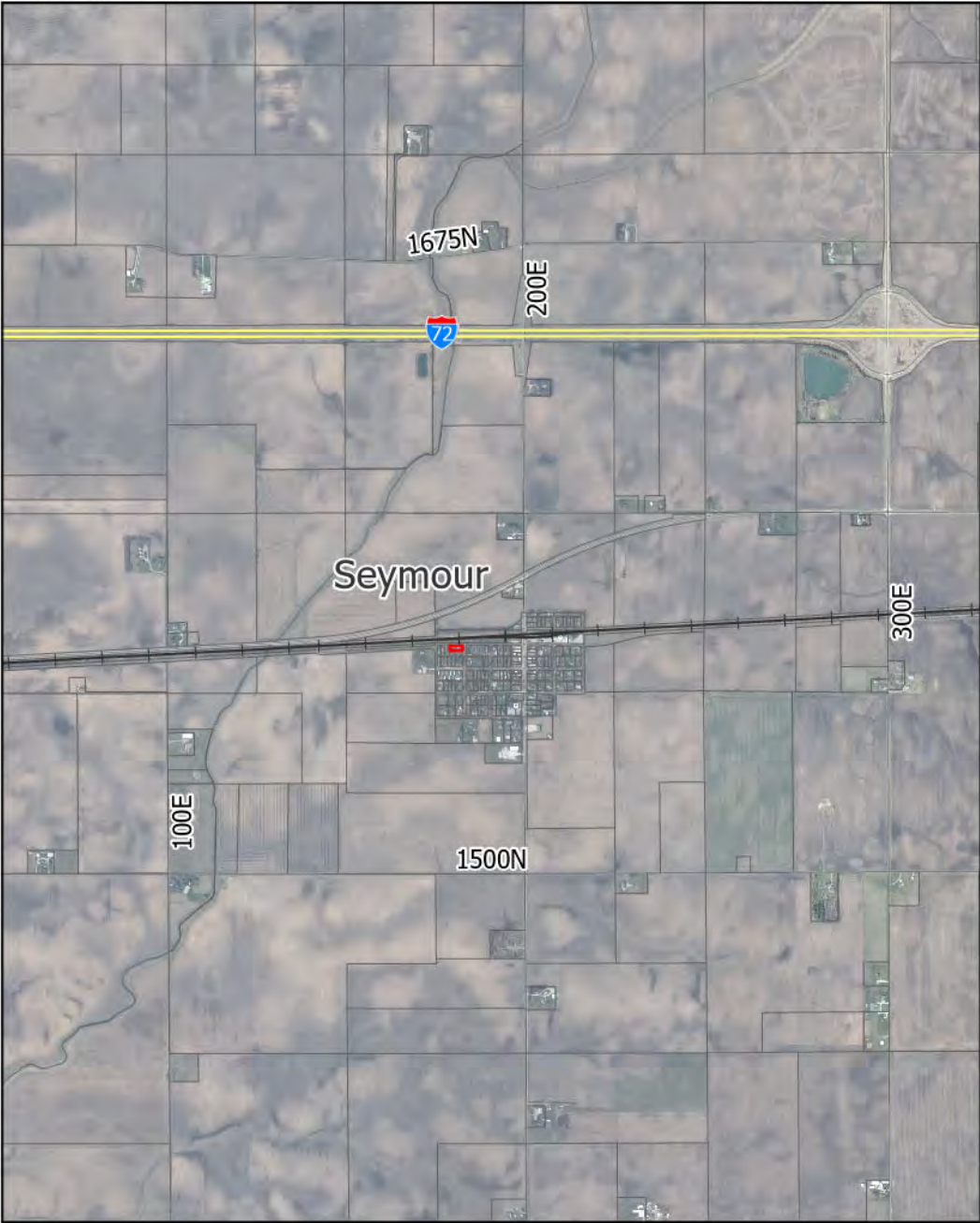
- A Case Maps (Location, Land Use, Zoning)
- B 2023 Annotated Aerial Photo/Site Plan
- C 1973 Aerial Photo
- D Site Plans dated April 3, 2025
- E Site images taken July 18, 2025
- F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 169-V-25 dated July 31, 2025



Location Map

Case 169-V-25

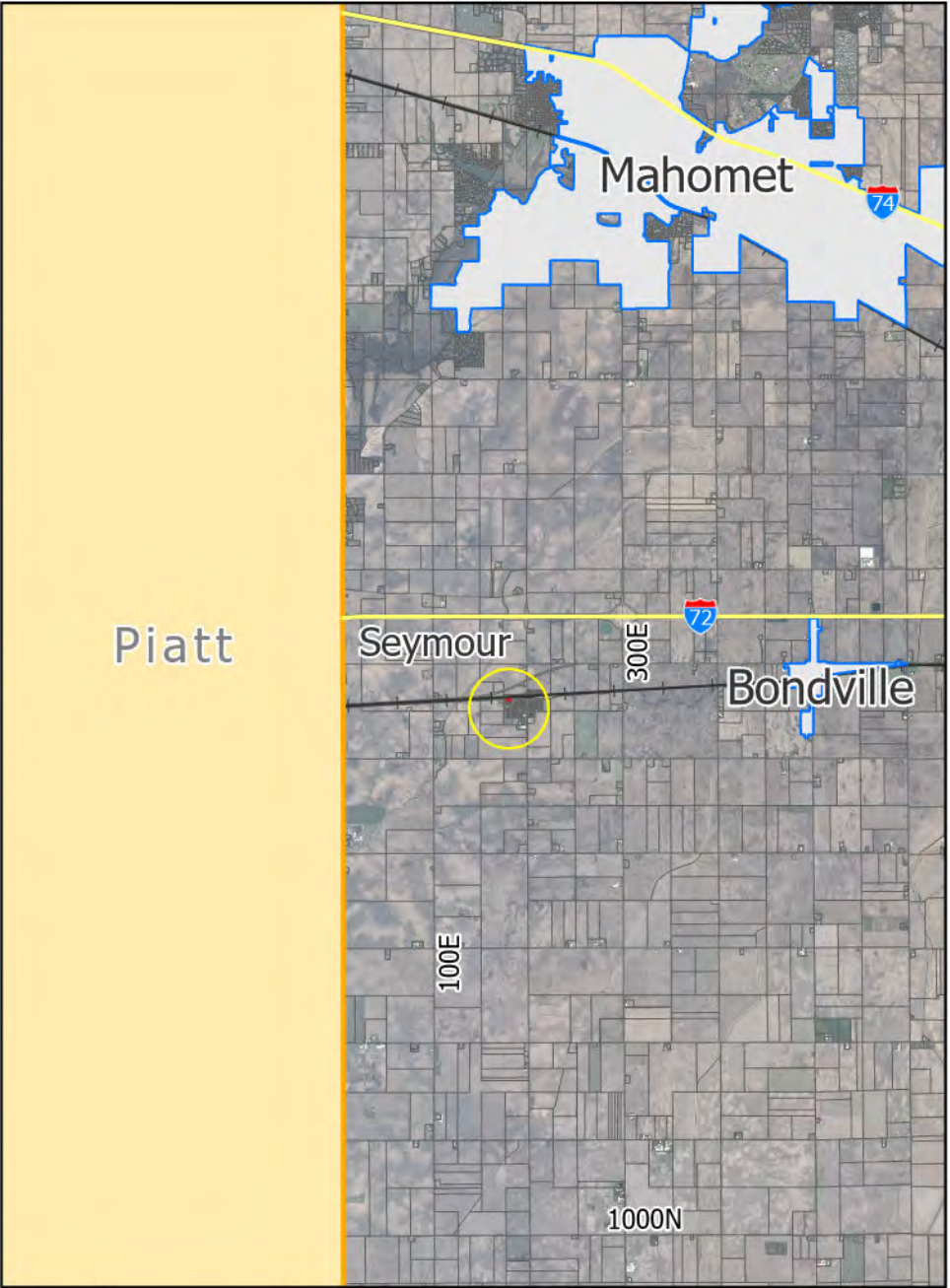
July 31, 2025



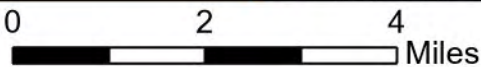
Subject Property



-  Subject Parcel
-  Municipal Boundary

Property Location in Champaign County





July 31, 2025



Zoning Map

Case 169-V-25

July 31, 2025





Subject Parcel

Proposed Sunroom Addition

 50' Visibility Triangle

0

25

50

Feet

N


PLANNING & ZONING

Annotated 1973 Aerial


Case 169-V-25

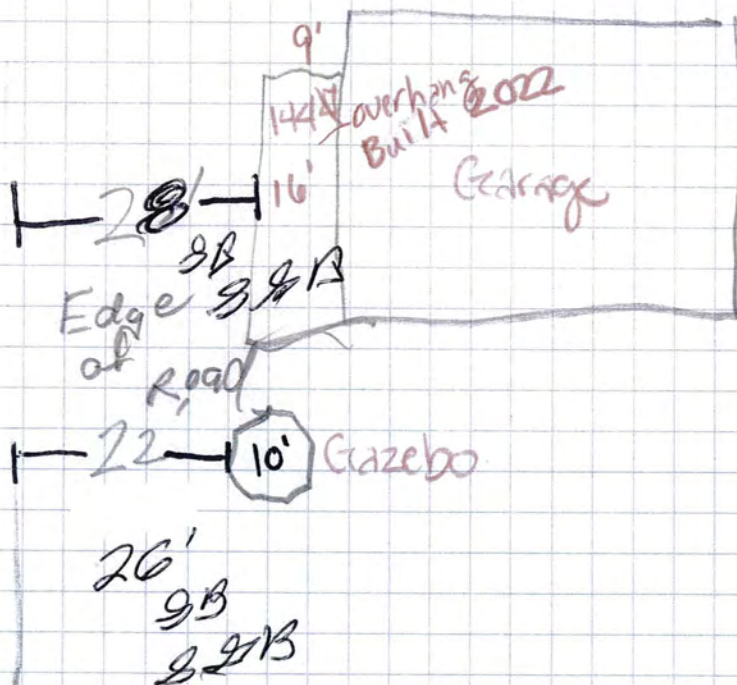
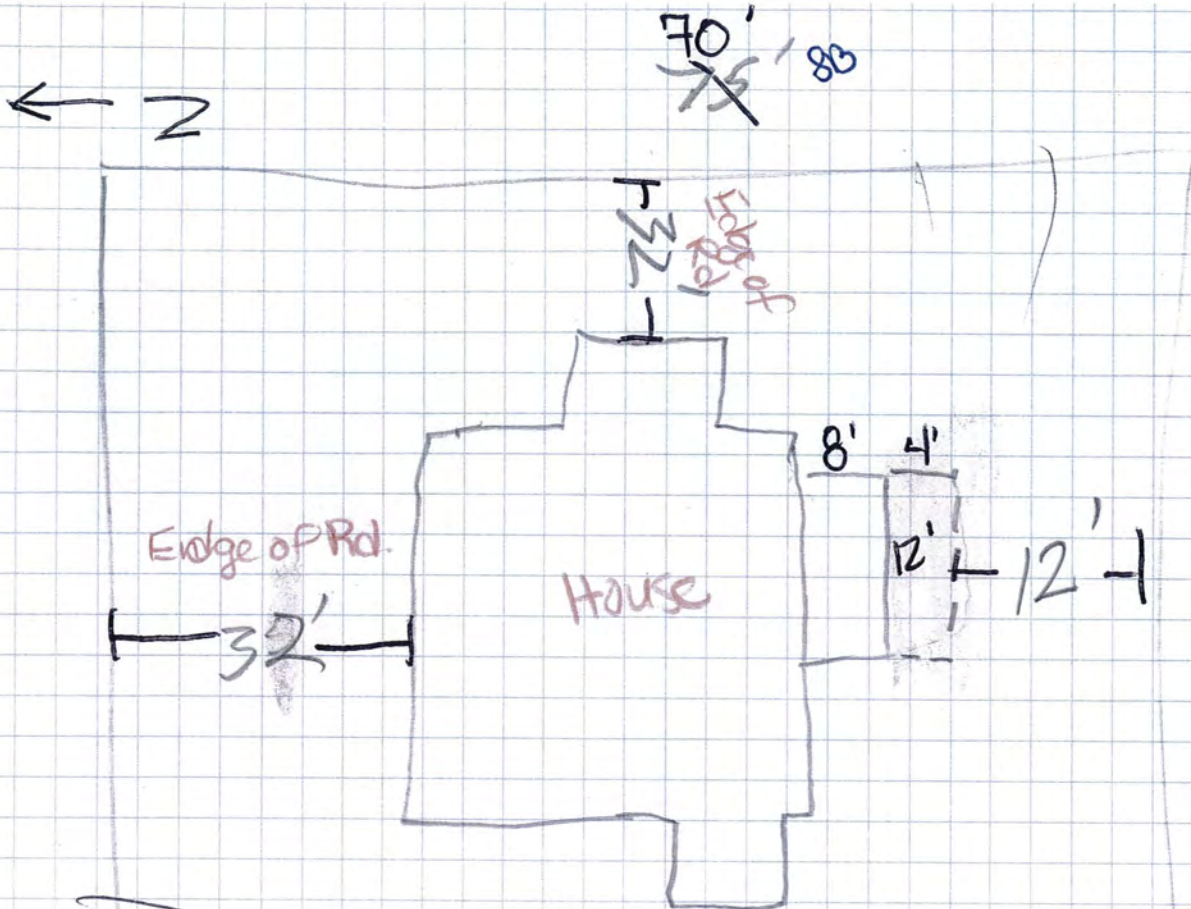
July 31, 2025



 Subject Parcel

0 25 50 Feet



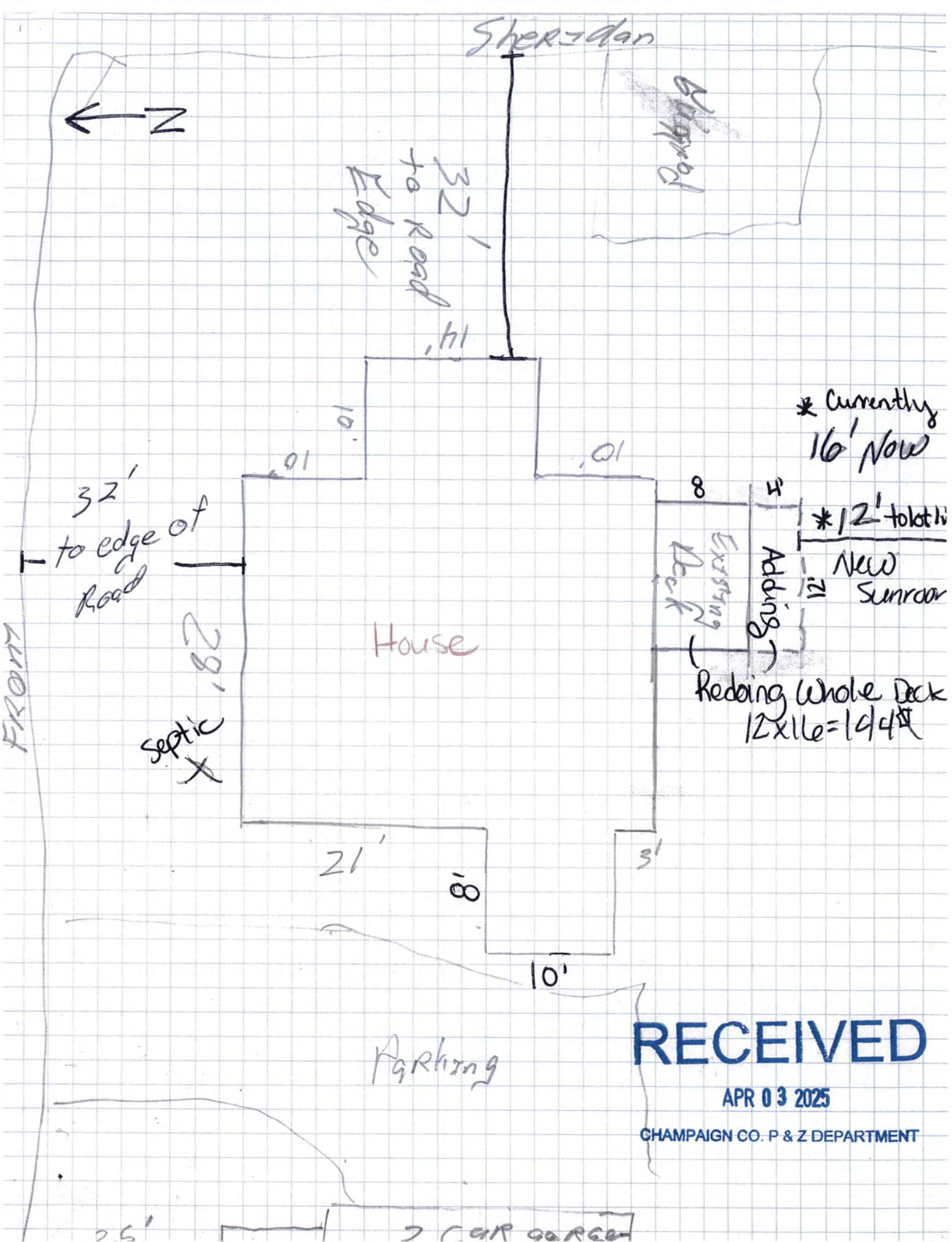


~~175'~~
185.5' 83

RECEIVED

APR 03 2025

CHAMPAIGN CO. P & Z DEPARTMENT



169-V-25 Site Images



From N. Sheridan St. looking west along the property line



From N. Sheridan St. looking northwest

169-V-25 Site Images



From N. Front St. looking northeast toward subject property



From N. Front St. looking west

PRELIMINARY DRAFT

169-V-25

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{July 31, 2025}***

Petitioner: **Steven Brocksmith**

Request: **Authorize a variance for the following in the R-2 Single Family Residence
Zoning District:**

Part A-1: A proposed sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 5.3 of the Zoning Ordinance.

Part A-2: A proposed sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.

Part B-1: An existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-2: An existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-3: An existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street, per Section 4.3.3 F.1. of the Zoning Ordinance.

Part C: An existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively per Section 7.2.2 of the Zoning Ordinance.

Part D: An existing lot in the R-2 Single Family Residence Zoning District with an area of approximately 12,985 square feet in lieu of the minimum required 20,000 square feet per section 4.3.4 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 **July 31, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Steven Brocksmith owns the subject property.
2. The subject property is a .3-acre tract that is the North Half of Lots 1, 2 and 3 and the Northeast Quarter of Lot 4 in Block 6 of the Original Town of Seymour as per plat recorded in Plat Book “32” at Page 516 Section 17, Township 19 North Range 7 East of the Third Principal Meridian in Scott Township and commonly known as the property with address 109 N. Sheridan Street, Seymour.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Scott 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

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is zoned R-2 Single Family Residence and is in use as a single-family residence.
 - B. Land to the north of the subject property is zoned AG-2 Agriculture and is in use as a vacant lot and railroad right-of-way. The property to the East, West and South is Zoned R-2 Single Family Residence and is in use as single family residential.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Site Plan, received April 3, 2025, indicates the following:
 - (1) Existing structures consist of the following:
 - a. Single-family residence.
 - b. Detached garage to the west of the house and a gazebo to the west of the garage
 - (2) The petitioner proposes to construct a sunroom/porch addition on the south side of the existing house.
 - B. The existing house on the property was constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973, and is a legally non-conforming structure.
 - C. Zoning Use Permit 237-82-02 was approved August 27, 1982, to construct the detached garage that is located to the west of the house.

- D. An addition to the north side of the existing garage was constructed without a permit within the required yard and setback from W. Front St.
- E. A 79 square foot gazebo was constructed to the west of the garage within the required yard and setback from W. Front St. It is less than 150 square feet and does not require a Zoning Use Permit, but it is required to meet the minimum yard and setback requirements
- E. Zoning Use Permit 093-25-01 was approved April 29, 2025, to construct the sunroom addition to the existing home and to authorize the previously constructed garage addition and gazebo with the condition that the petitioner submit an Application for Variance and abide by any reasonable requirements from the Zoning Board of Appeals in this case.
- F. Upon review of the lot dimensions and measurements on the County GIS maps it was determined that the variances listed below are necessary for the existing and proposed structures and the lot.
- G. The requested variance includes the following:
 - (1) Part A-1: A proposed sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 5.3 of the Zoning Ordinance.
 - (2) Part A-2: A proposed sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.
 - (3) Part B-1: An existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.
 - (4) Part B-2: An existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.
 - (5) Part B-3: An existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street, per Section 4.3.3 F.1. of the Zoning Ordinance.
 - (6) Part C: An existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively per Section 7.2.2 of the Zoning Ordinance.
 - (7) Part D: An existing lot in the R-2 Single Family Residence Zoning District with an area of approximately 12,985 square feet in lieu of the minimum required 20,000 square feet per section 4.3.4 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, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
- (2) “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.
- (3) “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 of 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.
- (4) “LOT LINES” are the lines bounding a LOT.
- (5) “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.
- (6) “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.
- (7) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
- (8) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (9) “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.
- (10) “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 including BUILDINGS, walls, fences, billboard, and SIGNS.
- (11) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE on the LOT in which it is located.

- (12) 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.
 - (13) “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.
 - (14) “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.
 - (15) “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 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 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.

- c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- E. Regarding the proposed variance:
- (1) Minimum SIDE YARD and REAR YARD for a PRINCIPAL STRUCTURE in the R-2 Single Family Residence DISTRICT is established in Section 7.2.1.B. of the Zoning Ordinance as 10 feet and 20 feet respectively.
 - (2) 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.
 - (3) Minimum FRONT YARD from the street right of way of a MINOR STREET to a STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 5.3 of the Zoning Ordinance as 25 feet.
 - (4) The 50-foot visibility triangle is established in Section 4.3.3 F.1. of the Zoning Ordinance.
 - (5) The minimum lot size for a lot created after September 21, 1993, that is connected to a public water supply system without a connection to a public sanitary sewer system is 20,000 square feet as established in Section 4.3.4 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, **“Gazebo Placement.”**
 - B. The existing house was constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973. The house was constructed near the corner of N. Sheridan St. and W. Front St.
 - C. The Subject Property was part of a larger property when the north half with the house was divided off and sold to the current owner in 2001.
 - D. Variance parts B-1, B-2 and B-3 were included so that the legally non-conforming residence can be reconstructed in its current location should it be destroyed by any means

to an extent of more than 50% of its replacement cost at the time of destruction. The existing house is located approximately 10 feet from the front property line and 39 feet from the centerline of N. Sheridan St. and 15 feet from the property line and 35 feet from the centerline of W. Front St. The existing house is also located within the 50 foot visibility triangle at the corner of W. Front St. and N. Sheridan St. The house has an approximately 35 foot visibility triangle.

- E. An approximately 79 square feet gazebo was constructed on the property prior to 2005. A Zoning Use Permit is not required for structures less than 150 square feet however it is required to meet the 25 foot yard, and 55 foot setback requirement from the centerline of Front Street. A 9 feet by 16 feet addition to the detached garage was constructed in 2020 without a permit. The addition encroaches into the required 25 foot yard, and 55 foot setback requirement from the centerline of Front Street.

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, **“Moving it could cause the structure (gazebo) to collapse.”**
 - B. Regarding variance Part A-1 for a sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively: the house has existed since before the adoption of the Zoning Ordinance, and the layout of the home only allows for the sunroom to be in the proposed location.
 - C. Regarding variance Part A-2 for a sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet: constructing a smaller sunroom would result in a less useable space.
 - D. Regarding variance Part B-1 for an existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan St. in lieu of the minimum required 25 feet and 55 feet, respectively: the house has existed since before adoption of the Zoning Ordinance. Without the variance, the house could not be reconstructed in the same location.
 - E. Regarding variance Part B-2 for an existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front St. in lieu of the minimum required 25 feet and 55 feet, respectively: the house has existed since before adoption of the Zoning Ordinance. Without the variance, the house could not be reconstructed in the same location.
 - F. Regarding variance Part B-3 for an existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street: the house has existed since before adoption of the Zoning Ordinance. Without the variance, the house could not be reconstructed in the same location.

- G. Regarding variance Part C for an existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively: without the variance, the garage addition and the gazebo would have to be removed.
- H. Regarding variance Part D for a lot with an area of approximately 12,985 square feet in lieu of the minimum required 20,000: without the variance the petitioner would have to acquire additional property but no additional property is available.

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, **“Difficult to move.”**
 - B. Regarding variance Part A-1 and A-2: the only possible location for a sunroom addition is on the south side of the house, the south lot line was created during the sale of the property to the current owner.
 - C. Regarding variance Part B-1, B-2 and B-3: the house has existed since before the adoption of the Zoning Ordinance.
 - D. Regarding variance Part C: the location of the garage addition and gazebo are the most practical locations on the property to take advantage of the existing garage location and trees.
 - E. Regarding variance Part D: the petitioner purchased the property in its current dimensions.

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, **“Empty lot across the road and does not affect neighbors in any way.”**
 - B. Regarding variance Part A-1 for a sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively: the requested variances are 80% of the minimum required, for a variance of 20% and 87% for a variance of 13% respectively.
 - C. Regarding variance Part A-2 for a sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet: the requested variance is 70% of the minimum required, for a variance of 30%.
 - D. Regarding variance Part B-1 for an existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan St. in lieu of the minimum required

25 feet and 55 feet, respectively: the requested variances are 40% of the minimum required, for a variance of 60% and 71% for a variance of 29% respectively.

- E. Regarding variance Part B-2 for an existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front St. in lieu of the minimum required 25 feet and 55 feet, respectively: the requested variances are 60% of the minimum required, for a variance of 40% and 64% for a variance of 36% respectively.
- F. Regarding variance Part B-3 for an existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street: the requested variance is 70% of the minimum required for a variance of 30%.
- G. Regarding variance Part C for an existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively: the requested variances are 56% of the minimum required, for a variance of 44% and 60% for a variance of 40% respectively.
- H. Regarding variance Part D for a lot with an area of approximately 12,985 square feet in lieu of the minimum required 20,000: the requested variance is 65% of the minimum required, for a variance of 35%.
- I. 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.
 - a. The separation from the proposed sunroom addition to N. Sheridan St. will be less than the existing house and consistent with other houses in the area.
 - b. The separation from the existing garage addition and gazebo are consistent with other structures in the area.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known plans to expand N. Sheridan St or W. Front St.
 - (3) Parking, where applicable
- J. 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: the building on the adjacent property is approximately 25 feet from the property line in the area of the proposed sunroom addition.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Scott Fire Protection District and is served by the Seymour Fire Department. The station is approximately .4 road miles from the subject property. The nearest structures on adjacent property are approximately 35 feet away to the south of the proposed addition.

- (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- K. Regarding the proposed variance for not locating in the visibility triangle, the Zoning Ordinance seeks to not impede vision for adjacent road traffic.
 - (1) N. Sheridan St. and W. Front Street 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.
- L. Regarding the proposed variance Part D for a lot with an area of approximately 12,985 square feet in lieu of the minimum required 20,000. The Zoning Ordinance seeks to require adequate area for private septic systems.
 - (1) The 20,000 square feet minimum lot area is for lots with a connected public water supply without a public sanitary sewer connection.
 - (2) The property should have enough area for a replacement septic system.

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: **“Is already there and does not interfere with traffic visibility.”**
 - B. The Scott Township Supervisor has been notified of this variance, and no comments have been received.
 - C. The Scott Township Road Commissioner has been notified of this variance, and no comments have been received.
 - D. The Scott Fire Protection District/Seymour Fire Department has been notified of this variance, and no comments have been received.
 - E. Surrounding landowners within 200 feet have 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: **“Did not know there were restrictions when it was moved onto the property”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:

- A. No special conditions are currently proposed.

DOCUMENTS OF RECORD

1. Application for Variance received April 23, 2025, with attachments:
 - A Site Plans from ZUPA 093-25-01 dated April 3, 2025
2. Preliminary Memorandum dated July 23, 2025, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B 2023 Annotated Aerial Photo/Site Plan
 - C 1973 Aerial Photo
 - D Site Plans dated April 3, 2025
 - E Site images taken July 18, 2025
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 169-V-25 dated July 31, 2025

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 169-V-25 held on **July 31, 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 existing house was constructed prior to the adoption of the Champaign County Zoning Ordinance.*
 - b. *The Subject Property was part of a larger property and the north half with the house was divided off and sold to the current owner in 2001.*
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 approval of the proposed variance, the petitioner would have to reduce the size of the proposed sunroom which would result in a less useful addition. Regarding variance Part B, without the approval of the proposed variance the house would not be able to be rebuilt in its current location if it is damaged to 50% of its value. Regarding variance Part C, without the approval of the proposed variance the garage addition and the gazebo would have to be removed. Regarding variance Part D, without the approval of the proposed variance, the petitioner would have to acquire additional property, but no additional property is available.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *Regarding variance Part A-1 and A-2: the only possible location for the addition is on the south side of the house, and the petitioner purchased the lot in its current dimensions.*
 - b. *Regarding variance Part B-1, B-2 and B-3: the house has existed since before adoption of the Zoning Ordinance.*
 - c. *Regarding variance Part C: the location of the garage addition and gazebo are the most practical locations on the property to take advantage of the existing garage location and trees.*
 - d. *Regarding variance Part D: the petitioner purchased the property in its current dimensions.*
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. *Regarding variance Part A-1, the requested variances are 80% of the minimum required, for a variance of 20% and 87% of the minimum required, for a variance of 17%.*
 - b. *Regarding variance Part A-2, the requested variance is 70% of the minimum required, for a variance of 30%.*
 - c. *Regarding variance Part B-1, the requested variances are 40% of the minimum required, for a variance of 60% and 71% for a variance of 29% respectively.*
 - d. *Regarding variance Part B-2, the requested variances are 60% of the minimum required, for a variance of 40% and 64% for a variance of 36% respectively.*

- e. *Regarding variance Part B-3, the requested variance is 70% of the minimum required, for a variance of 30%.*
 - f. *Regarding variance Part C, the requested variances are 56% of the minimum required, for a variance of 44% and 60% for a variance of 40% respectively.*
 - g. *Regarding variance Part D, the requested variance is 65% of the minimum required, for a variance of 35%.*
 - h. *North Sheridan St. and West Front St. have minimal traffic in that area and there are no plans to expand the streets, and there is adequate separation to adjacent lots and structures.*
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. *Regarding variance Parts A-1, B, and C, there are other existing non-conforming houses in the neighborhood that are constructed within the required front yard and setback and within the corner visibility triangle that do not impede visibility for adjacent road traffic.*
 - c. *Regarding variance Part A-2, the nearest structures on adjacent properties are 25 feet away from the south property line in the area of the addition.*
 - d. *Regarding variance Part D, the property should have enough area for a replacement septic system.*
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/structures because:
- a. *Regarding variance Parts A-1, B, and C the requested variance is the minimum variance required to be able to rebuild in the same location should the structures be destroyed.*
 - b. *Regarding variance Part A-2, the requested variance is the minimum variance as it is the only location where a proposed addition could be located.*
 - c. *Regarding variance Part D, the requested variance is the minimum variance without adding additional land.*
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 **169-V-25** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Steven Brocksmith**, to authorize the following:

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

Part A-1: A proposed sunroom addition with a front yard of 20 feet and a setback from the street centerline of N. Sheridan Street of 48 feet in lieu of the minimum required 25 feet and 55 feet, respectively, per section 5.3 of the Zoning Ordinance.

Part A-2: A proposed sunroom addition with a side yard of 7 feet in lieu of the minimum required 10 feet per Section 5.3 of the Zoning Ordinance.

Part B-1: An existing house with a front yard of 10 feet and a setback of 39 feet from the centerline of N. Sheridan Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-2: An existing house with a front yard of 15 feet and a setback of 35 feet from the centerline of W. Front Street in lieu of the minimum required 25 feet and 55 feet, respectively, per Section 5.3 of the Zoning Ordinance.

Part B-3: An existing house with a corner visibility triangle of 35 feet in lieu of the minimum required 50 feet at the corner of W. Front Street and N. Sheridan Street, per Section 4.3.3 F.1. of the Zoning Ordinance.

Part C: An existing detached garage and gazebo with a front yard of 14 feet and a setback of 33 feet from the centerline of W. Front Street in lieu of the minimum required 25 and 55 feet respectively per Section 7.2.2 of the Zoning Ordinance.

Part D: An existing lot in the R-2 Single Family Residence Zoning District with an area of approximately 12,985 square feet in lieu of the minimum required 20,000 square feet per section 4.3.4 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date