

**CASE NO. 796-V-14**  
**SUPPLEMENTAL MEMORANDUM**  
February 26, 2015

Brookens Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

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zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**Petitioners: Steve Vincent and George Stanhope**

**Request: Authorize the following in the AG-1 District: A variance from Paragraph 4.2.1.H of the Zoning Ordinance, which requires that no structure shall be constructed nor use established upon or moved to a lot that does not abut and have access to a public street of no less than 20 feet at a point at which the lot has the right of access to the street.**

**Location: A 6.94 acre tract in Newcomb Township in the Southwest quarter of the Southeast quarter of Section 15 of Township 21N, Range 7 East of the Third Principal Meridian and commonly known as the residence located at 360 CR 2700 North, Mahomet, Illinois.**

**Site Area: 6.94 acres**

**Time Schedule for Development: As Soon as Possible**

**Prepared by: Susan Chavarria  
Senior Planner**

**John Hall  
Zoning Administrator**

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***STATUS***

Page 7 of the Preliminary Summary of Evidence dated 02/18/15 Part 10.C.(1) stated: "The Zoning Ordinance does not clearly state the considerations that underlie requirements for frontage on public streets. In general, frontage to a public street is presumably intended to ensure adequate access by emergency vehicles and ease of use by residents."

A series of zoning cases were undertaken in the 1990's to improve the Zoning Ordinance requirements related to land division and the provision of adequate lot access to public streets. Case 847-AT-93 provided a concise summation of the considerations that underlie requirements for minimum street frontage for zoning lots that are created out of larger tracts of land: "The division of large tracts potentially creates problems with respect to drainage, emergency vehicle access, and extension of public streets and utilities..."

Staff would like to amend the Summary of Evidence for Case 796-V-14 to include reference to these earlier cases in order to highlight drainage, emergency vehicle access, and extension of public streets and utilities as considerations for requiring frontage on public streets.

The second attachment is a letter from Attorney William R. Scott, who represents petitioner Steve Vincent. The letter seeks to help the Board understand that "this variance is being sought only after every reasonable step has been taken to try to resolve the problem through normal business means."

**ATTACHMENTS**

- A Revised Summary of Evidence Part 10.C.
- B Letter from William R. Scott received February 24, 2014

**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, **“At construction, the property at 360 CR 2700N met the access strip ordinance.”**
  - B. Regarding the requested Variance to have a property without frontage on a public street for at least 20 feet at the point at which the property has the right of access to the street:
    - (1) The requested variance for a frontage of 0 feet of the minimum required 20 feet is a variance of 100%.
    - (2) The property continues to have an access driveway via the neighbor’s property to the south.
  - C. Regarding the proposed Variance:
    - (1) The Zoning Ordinance does not clearly state the considerations that underlie requirements for frontage on public streets. ~~In general, frontage to a public street is presumably intended to ensure adequate access by emergency vehicles and ease of use by residents.~~ but the justification for such requirements has been documented in the zoning cases in which those requirements were added to the Ordinance. A brief summary is as follows:
      - (a) A series of zoning cases were undertaken in the 1990’s to improve the Zoning Ordinance requirements related to land division and the provision of adequate lot access to public streets. The first such case was Case 759-AT-91 which contained an August 31, 1990, memorandum to the Environment and Land Use Committee that reviewed the relevant problems at that time related to ensuring proper street access.
      - (b) The Finding of Fact for another of those zoning cases (Case 847-AT-93) provided a concise summation of the considerations that underlie requirements for minimum street frontage for zoning lots that are created out of larger tracts of land: “The division of large tracts potentially creates problems with respect to drainage, emergency vehicle access, and extension of public streets and utilities...”
    - (2) The property continues to have an access driveway via the neighbor’s property to the south that can be used for emergency access.
    - (3) Drainage for the property does not appear to be impacted by the lack of frontage onto a public street; topography and ditches still provide proper drainage despite the lack of frontage.
    - (4) No extension of public streets or utilities is anticipated for this property.
  - D. The requested variance is not prohibited by the *Zoning Ordinance*.

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February 24, 2015

To the Champaign County Zoning Board of Appeals

From William R. Scott

In re Case 796-V-14

I have been representing Steve Vincent for about the last 9 months. Mr Vincent is the titled owner of the property in question and has reached an agreement to sell the property to the petitioner, George Stanhope.

In 2011, in an effort to resolve some boundary line issues, Mr. Vincent quit-claimed the frontage of his property to Roger Morfey. The effect of that conveyance was to render Mr. Vincent's property a nonconforming lot in that there was not ownership to the public road. Mr. Vincent received no cash consideration for this conveyance.

Mr. Vincent was not aware of the fact that his lot was rendered nonconforming and he would not have made the conveyance, had he been so advised at the time.

Late last Spring, AFTER signing a contract to sell the property to Mr. Stanhope, Mr. Vincent learned that the lot had been rendered nonconforming. Mr. Vincent retained me and asked that I contact the person to whom he conveyed the lot, Roger Morfey to see if Mr. Morfey would reconvey a 20 foot strip south to the Township road necessary to make the lot conforming. As your maps in your case file indicate, Mr. Morfey owns nothing to the east, west or north of the property conveyed in 2011 and so that there is, in our opinion, absolutely no economic value to that property.

After several weeks of attempting to contact Roger Morfey, individually and through his attorney, we finally received a demand from Roger Morfey of \$25,000 to re-purchase 20 feet of the property conveyed - again, having no apparent economic value.

At the same time, Mr. Vincent directed that we attempt to negotiate a purchase of the 20 foot access strip from either the party owing real estate to the west, namely Newcomb Township, and to the east, namely Randy Green.

The Newcomb Township Board voted against making any conveyance, and Mr. Green, the party owning the property to the east of Mr. Vincent's property has a mortgage on the property which was in such a position that the Lender would not allow us negotiate that purchase.

Prior to Mr. Stanhope beginning these variance proceedings, he communicated an offer of \$5000 to Roger Morfey, for the purpose of purchasing the 20 foot strip. To date, there has been no response to that proposal.

All of this is being written to help the Board understand that this variance is being sought only after every reasonable step has been taken to try to solve the problem through normal business means.

A handwritten signature in black ink, appearing to be "W. Stanhope", written in a cursive style.