

CASE NO. 827-V-16

PRELIMINARY MEMORANDUM

April 21, 2016

Petitioners: **Nicholas Trotter**

Request: **Authorize the following Variance in the R-1 Single Family Residence Zoning District:**

Part A: A detached shed with a side yard of 3 feet in lieu of the minimum required 5 feet for accessory structures.

Part B: A detached shed with a setback of 48 feet 6 inches in lieu of the minimum required 50 55 feet from the centerline of a local street.

Subject Property: **The north 75 feet of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the residence at 317 Independence, Dewey.**

Site Area: **7,507.5 square feet lot (0.17 acre)**

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

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner requests a variance to place a 26 feet by 18 feet detached storage shed that would partially sit within the required side yard setback and setback from street centerline. The Petitioner stated that the shed's proposed location is limited by a septic field and a small lot size.

Cases 736-V-12 and 737-V-12 were approved on April 11, 2013. The current subject property was one of two existing nonconforming dwellings on the same lot. The Variance was to authorize the division of the property to allow for the creation of a separate lot for each home. The cases included:

- A variance for minimum required lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary system and created after September 21, 1993;
- A front setback of 33 feet in lieu of the minimum required 55 feet for the existing non-conforming dwelling (the cases did not address front setback for an accessory structure); and
- A lot depth of 75 feet in lieu of the minimum required 80 feet.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning or in a Township with a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

SPECIAL CONDITION FROM CASES 736-V-12 AND 737-V-12

A special condition of the cases was to file a miscellaneous document with the Recorder of Deeds. The document was submitted by Matthew Warren and recorded on May 7, 2013. The document includes the following: “Be it known that this document was a requirement of a Special Condition of Approval of Zoning Cases 736-V-12 and 737-V-12 to ensure that any interested party is aware of the following:

- Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township.
- Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.
- Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.
- For further information interested parties should contact the Champaign County Department of Planning and Zoning.

The regulations governing septic system permitting have gotten much tougher since Zoning Cases 736-V-12 and 737-V-12. Approving the variance without adequate consideration of the lot area required for septic system replacement could create a very difficult situation for future septic system replacement. Staff recommends that the ZBA require Mr. Trotter prove that if the shed is built he could get a septic system permit for a new system prior to final approval of the current case.

PROPOSED SPECIAL CONDITIONS

No special conditions are currently proposed.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 15, 2016
- C Approved Site Plan from Cases 736-V-12 and 737-V-12, dated April 11, 2013
- D Images of Subject Property taken April 13, 2016
- E Draft Summary of Evidence, Finding of Fact, and Final Determination

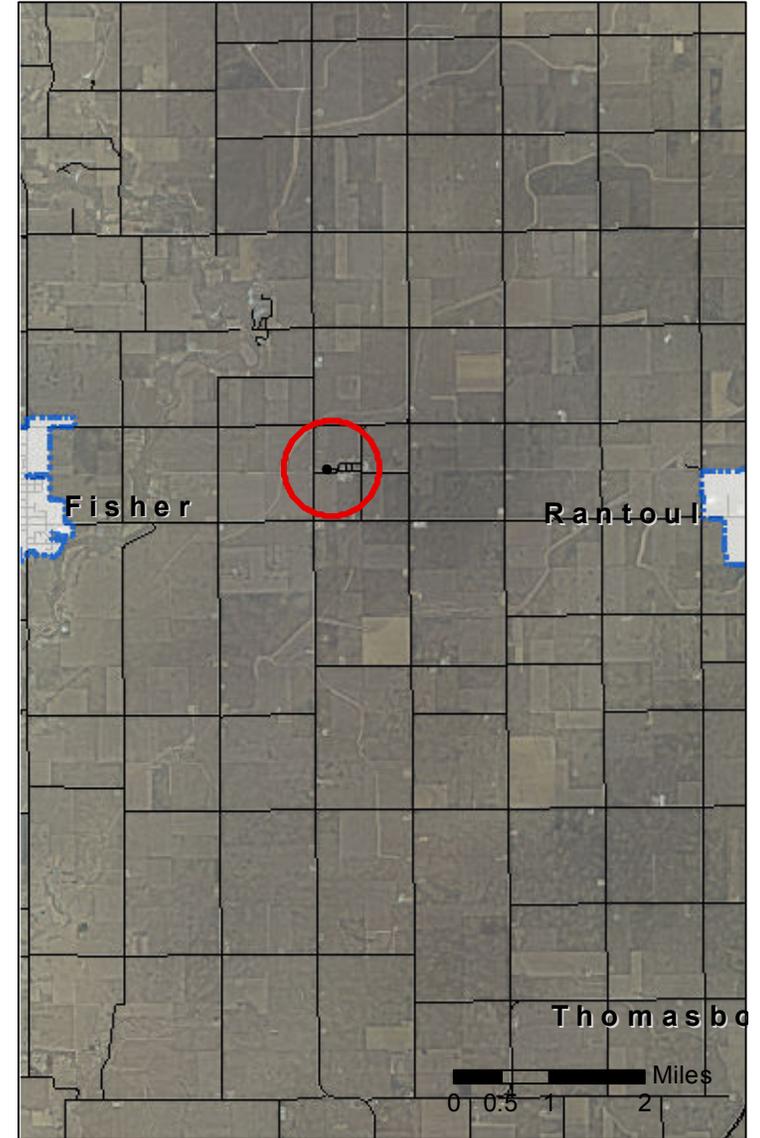
Location Map

Case 827-V-16
April 28, 2016

Subject Property



Property location in Champaign County



Legend

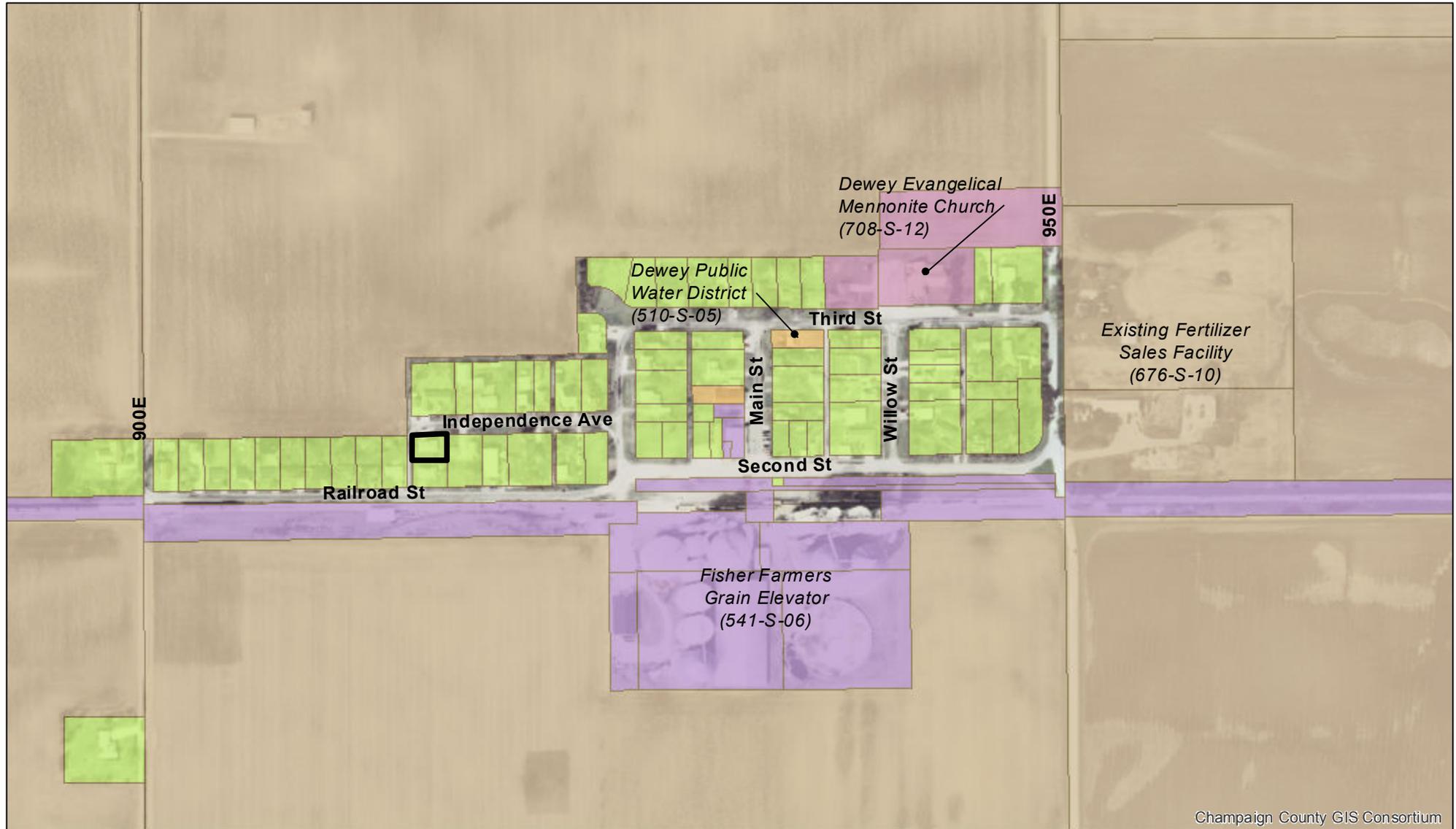
-  Subject Property
-  Parcels
-  Municipal Boundary
-  Streets



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

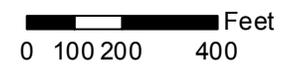
Case 827-V-16
April 28, 2016



Champaign County GIS Consortium

Legend

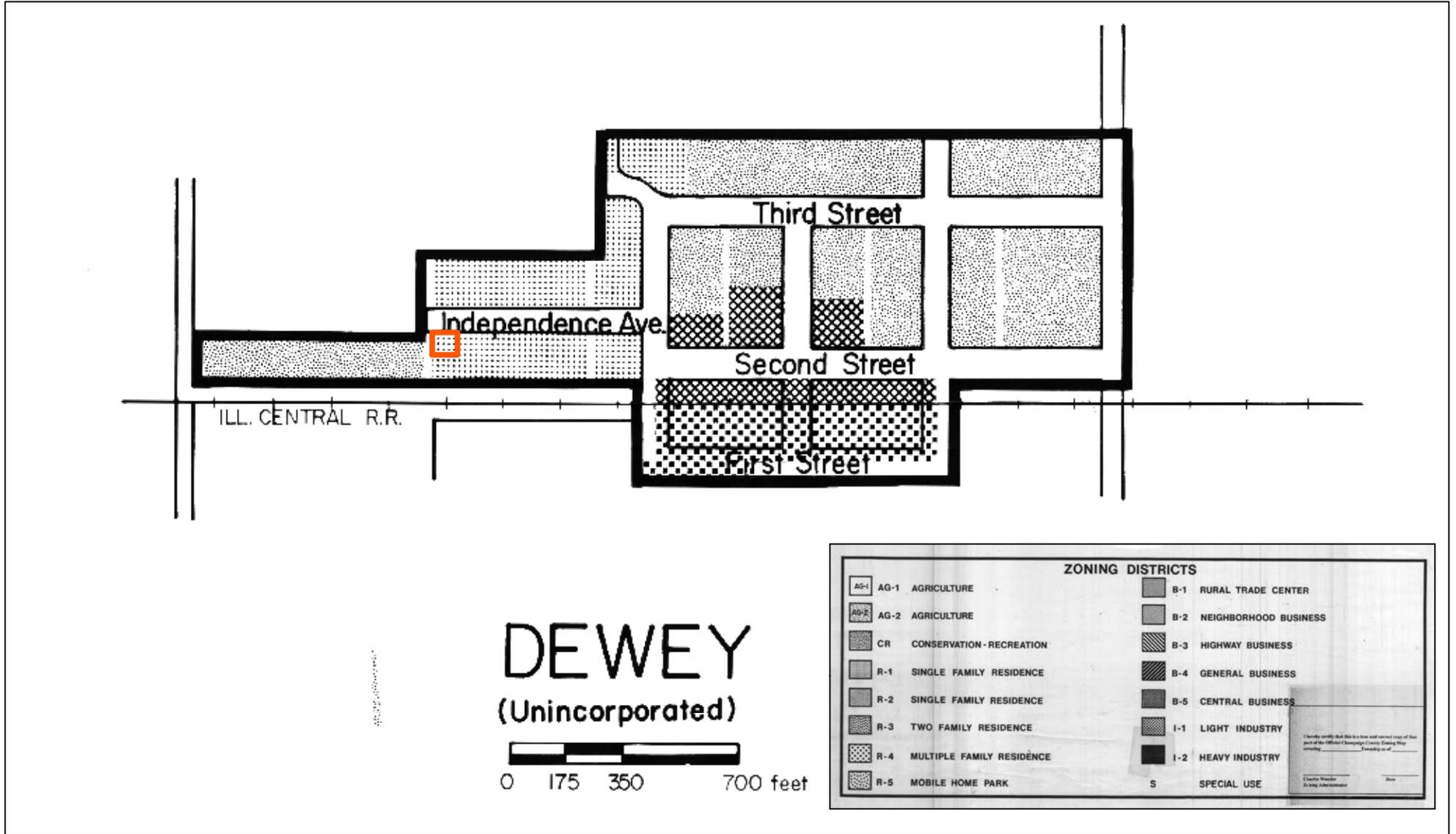
- | | |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
|  Agriculture |  Municipal |
|  SF Residential |  Church |
|  Commercial/Rail |  Subject Property |



Zoning Map

Case 827-V-16
April 28, 2016

This map cannot be integrated
with the County GIS parcel layer

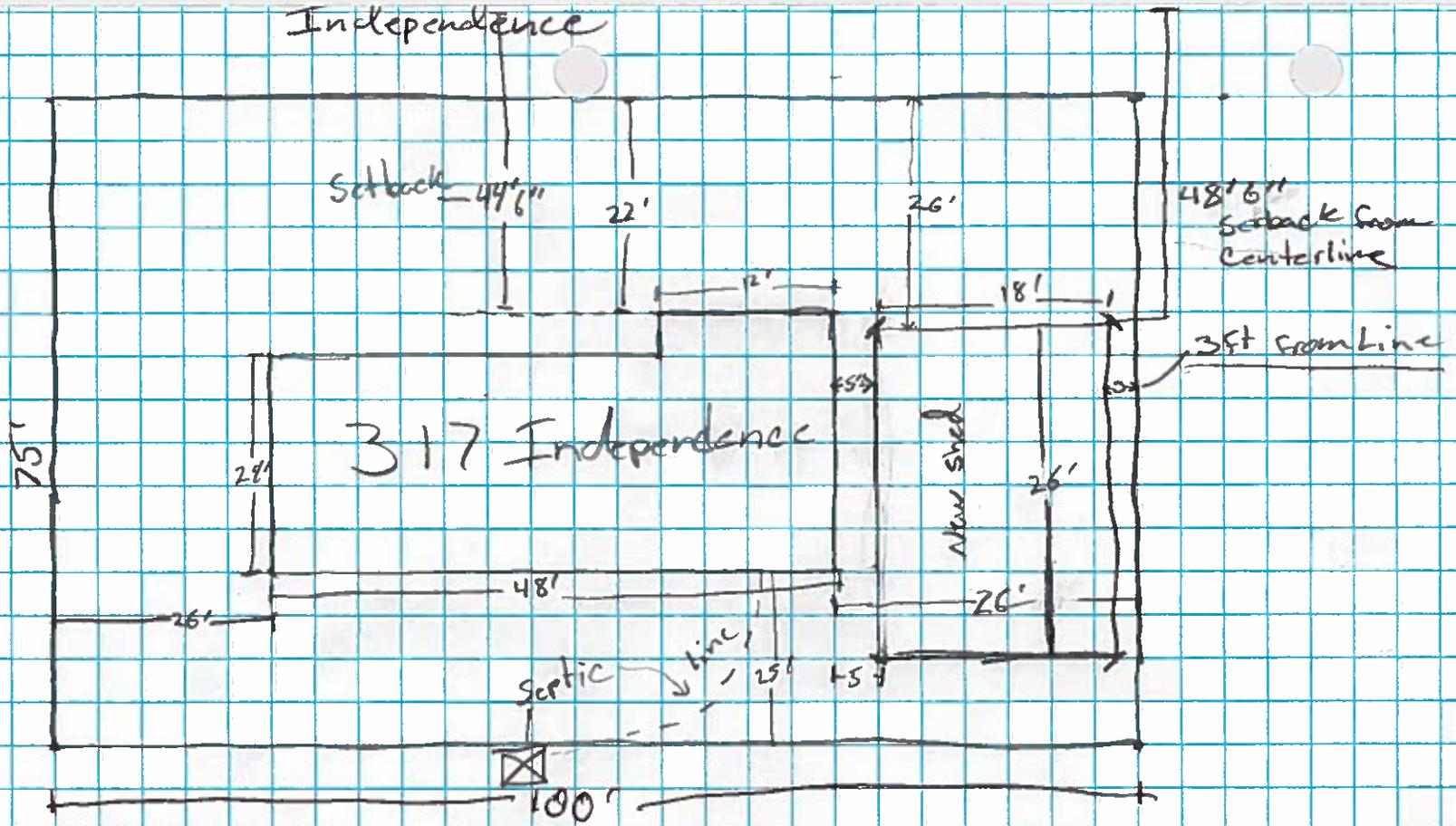


 Subject Property (not to scale)



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Department of
**PLANNING &
ZONING**

NT ↑



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CHAMPAIGN CO. P & Z DEPARTMENT

827-V-16 Images



From Independence St facing south, east side (proposed shed location)



From Independence St facing southwest, east side (proposed shed location)

827-V-16 Images



From Independence St curve in road facing south, west side



From west side of property facing east, rear yard

04/21/16 PRELIMINARY DRAFT

827-V-16

**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: *{April 28, 2016}*

Petitioners: Nicholas Trotter

Request: Authorize the following Variance in the R-1 Single Family Residence Zoning District:

Part A: A detached shed with a side yard of 3 feet in lieu of the minimum required 5 feet for accessory structures.

Part B: A detached shed with a setback of 48 feet 6 inches in lieu of the minimum required 55 feet from the centerline of a local street.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **April 28, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Nicholas Trotter owns the subject property.
2. The subject property is a 7507.5 square feet lot (0.17 acre) that is the north 75 feet of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township and commonly known as the residence at 317 Independence, Dewey.
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. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within East Bend Township, which does not have a Plan Commission. Township 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 a 7,507.5 square feet lot and is currently zoned R-1 Residential. Land use is a single family residence.
 - B. Land on the north and south is zoned R-1 Residential and is residential in use.
 - C. Land to the west is zoned R-2 Single Family Residence and is residential in use.
 - D. Land to the east is zoned R-1 Residential and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan, received January 15, 2016, indicates the following:
 - (1) Existing features on the subject property consist of the following:
 - a. One residence, approximately 48 feet by 24 feet;
 - b. A septic tank, located 25 feet from the south side of the house.
 - (2) Proposed construction consists of one 26 feet by 18 feet shed.
 - B. There are no previous Zoning Use Permits for the subject property. The residence was built prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - C. Prior Zoning Cases for the subject property include:

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- (1) Cases 736-V-12 and 737-V-12 were approved on April 11, 2013. The current subject property was one of two existing nonconforming dwellings on the same lot (see Attachment C). The Variance was to authorize the division of the property to allow for the creation of a separate lot for each home. The cases included:
- a. A variance for minimum required lot area of 7,507.5 square feet in lieu of the minimum required 20,000 square feet required for lots connected to a public water supply, but without a connected public sanitary system and created after September 21, 1993;
 - b. A front setback of 33 feet in lieu of the minimum required 55 feet for the existing non-conforming dwelling; and
 - c. A lot depth of 75 feet in lieu of the minimum required 80 feet.
 - d. The cases did not address front setback for an accessory structure.
 - e. A special condition of the cases was to file a miscellaneous document with the Recorder of Deeds. The document was submitted by Matthew Warren and recorded on May 7, 2013. The document includes the following: “Be it known that this document was a requirement of a Special Condition of Approval of Zoning Cases 736-V-12 and 737-V-12 to ensure that any interested party is aware of the following:
 - (a) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer’s Addition in the Northwest Quarter of Section 34 of East Bend Township.
 - (b) Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.
 - (c) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.
 - (d) For further information interested parties should contact the Champaign County Department of Planning and Zoning.
- D. The required variance is as follows:
- (1) Part A: A detached shed with a side yard of 3 feet in lieu of the minimum required 5 feet for accessory structures.
 - (2) Part B: A detached shed with a setback of 48 feet 6 inches in lieu of the minimum required 55 feet from the centerline of a local street.

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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 within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (4) “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.
 - (5) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (6) “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.
 - (7) “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.
 - (8) “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.
 - (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) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (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

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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) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (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” 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.
- (15) “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.
- (16) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (17) “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-1 Single Family Residence DISTRICT is intended to provide areas for single FAMILY detached DWELLINGS, set on LOTS and is intended for application in mainly non-urban and developing areas where community facilities can be made readily available.
- 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:

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- 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. Minimum front yard setback from the centerline of a local road for an accessory structure in the R-1 Residential District is established in Section 7.2.2.B. of the Zoning Ordinance as 55 feet.
- E. Minimum side yard for an accessory structure in the R-1 Residential District is established in Section 7.2.2 B. of the Zoning Ordinance as 5 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Access to the building and use of the back yard.”**
 - B. Regarding the limited lot size, the following evidence was provided in the Summary of Evidence for Cases 736-V-12 and 737-V-12:
 - (1) B.R. Hammer’s Addition was platted prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on minimum lot size or any other minimum lot dimensions.
 - (2) The existing homes on the property were built prior to the adoption of the *Zoning Ordinance* on October 10, 1973. Prior to the adoption of zoning there was no guidance on the placement of structures or the number of authorized principal buildings on one lot.
 - (3) “The septic tank inspection report prepared by Shaun Deck of Berg Tanks dated March 8, 2013, regarding the septic system that serves the home at 317 Independence Street, Dewey, indicates the following:

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- a. The size of the tank is 1,000 gallons and is located 25 feet from the house on the south side of the house.
 - b. The type of drainage is field tile.
 - c. The home is vacant.
 - d. The inlet tee/baffle and outlet tee/baffle are acceptable.
 - e. No water was observed flowing back into the tank from the lateral field.
 - f. The system function is acceptable.
 - g. The tank was pumped.
 - h. One septic tank previously served both homes; however, each home is now served by separate tanks.
 - i. The tank that serves the home at 318 Railroad Street, Dewey, was pumped a month ago.
 - j. Both tanks seem to be working, but there is no guarantee on system life.”
- (4) In an email dated March 8, 2013, from Jan Schacht, Vermilion Construction Services Inc., to Matthew Warren, co-petitioner, Mr. Schacht indicated that the installation of replacement septic systems on the property could consist of the following components:
- a. Norweco 600 GDP aerobic treatment unit with chlorine feeder and contact chamber.
 - b. 150 lineal feet of ADS ACRLP chamber type subsurface seepage field.
 - c. One 100 square feet gravel evaporation pit.
 - d. 4 inch schedule 40 PVC piping to connect house to the ATU and the ATU to the field with gravity bypass to the evaporation pit.
 - e. Electrical connections and control panel installed in house or garage.
 - f. Excavations will be backfilled and mounded to allow settling.
 - g. A lift station may be needed if the existing systems will not permit the proposed systems to operate by gravity.
 - h. Staff does not know if the information in the email is still valid given that over 3 years have passed.
- (5) The regulations governing septic system permitting have gotten much tougher since Zoning Cases 736-V-12 and 737-V-12. Approving the variance without adequate consideration of the lot area required for septic system replacement could create a very difficult situation for future septic system replacement.
- C. A special condition of the cases was to file a miscellaneous document with the Recorder of Deeds. The document was submitted by Matthew Warren and recorded on May 7, 2013. The document includes the following: “Be it known that this document was a requirement

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of a Special Condition of Approval of Zoning Cases 736-V-12 and 737-V-12 to ensure that any interested party is aware of the following:

- (1) Variances were granted in Zoning Cases 736-V-12 and 737-V-12 to authorize the creation of two lots out of Lot 7 of Block 2 of B.R. Hammer's Addition in the Northwest Quarter of Section 34 of East Bend Township.
 - (2) Because of the size of each new lot there are concerns whether a replacement wastewater (septic) system can be installed on either lot in the future.
 - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.
 - (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.
- D. In a phone call with Michael Flanagan with Champaign Urbana Public Health District on April 15, 2016, there is no application or permit on file for installing a new septic system on the subject property.

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, **"The setback and the right-of-way from the road pushes the building back too far."**
 - B. Regarding the proposed Variance: without the proposed variance, the Petitioner would not be able to build the shed as proposed; he would have to reduce the size of the shed or not build it.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **"No."**
 - B. According to the Assessor's property records, the Petitioner has owned the property since August 2014.
 - C. Variance Cases 736-V-12 and 737-V-12 had previous owners Matthew and Katie Warren as the petitioners.

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, **“I contacted my neighbors to the north and east and they stated no problems with this plan.”**
 - B. Regarding Part A of the proposed Variance, for an accessory building with a side yard of 3 feet in lieu of the minimum required 5 feet in the R-1 Single Family Residential Zoning District: the requested variance is 60% of the minimum required, for a variance of 40%.
 - C. Regarding Part B of the proposed Variance, for an accessory building with a front setback of 48 feet 6 inches in lieu of the minimum required 55 feet from the centerline of a local street: the requested variance is 88% of the minimum required, for a variance of 12%.
 - D. Regarding Part A of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlie the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The subject property is in residential use. The surrounding properties are in residential use.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Sangamon Valley Fire Protection District and the station is approximately 4 road miles from the subject property. The nearest structure on adjacent property to the proposed shed is a garage on the other side of the fence from the shed; with the variance, it would thus be about 3 feet away from the proposed shed.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
 - E. Regarding Part B of the proposed Variance, the Zoning Ordinance does not clearly state the considerations that underlay the front setback requirements. Presumably the front setback is intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - (3) Parking, where applicable.
 - (4) It is unlikely that Independence Avenue will be widened or require right of way for utilities, and there is sufficient parking on the subject property.
 - F. No variance is required for average lot width or lot area because they were approved in Cases 736-V-12 and 737-V-12.

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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: **“I contacted my neighbors to the north and east and they stated no problems with this plan.**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Sangamon Valley Fire Protection District has been notified of this variance but no comments have been received.
 - D. No comments have been received to date regarding the proposed variance.
 - E. The nearest structure on adjacent property to the proposed shed is a garage on the other side of the fence from the shed; with the variance, it would thus be about 3 feet away from the proposed shed.

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: **“I have no options in placement for my lot size.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No special conditions are proposed at this time.

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DOCUMENTS OF RECORD

1. Variance Application received on January 15, 2016, with attachment:
 - A Site Plan received January 15, 2016
2. Email dated March 8, 2013, from Jan Schacht, Vermilion Construction Services Inc., to Matthew Warren, co-petitioner in Cases 736-V-12 and 737-V-12
3. Report regarding the septic system prepared by Shaun Deck of Berg Tanks dated March 8, 2013
4. Approved Site Plan from Cases 736-V-12 and 737-V-12, dated April 11, 2013
5. Miscellaneous document required as a Special Condition of Cases 736-V-12 and 737-V-12, recorded May 7, 2013
6. Preliminary Memorandum dated April 21, 2016 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received January 15, 2016
 - C Approved Site Plan from Cases 736-V-12 and 737-V-12, dated April 11, 2013
 - D Images of Subject Property taken April 13, 2016
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **827-V-16** held on **April 28, 2016**, 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: _____
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: _____
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because: _____
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:

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

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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 Variances requested in Case **827-V-16** are hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner **Nicholas Trotter** to authorize the following variance in the R-1 Single Family Residential Zoning District:

- Part A: A detached shed with a side yard of 3 feet in lieu of the minimum required 5 feet for accessory structures.
- Part B: A detached shed with a setback of 48 feet 6 inches in lieu of the minimum required 55 feet from the centerline of a local street.

{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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date