

CASE NO. 057-V-22

SUPPLEMENTAL MEMORANDUM #1

September 7, 2022

Petitioner: **Angel Corado**

Request: **Authorize a variance for the construction and use of an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two-Family Residence Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Subject Property: **A 0.46 acre lot that is the South Half of Lot 38 in Fred C. Carroll's Subdivision of the East Half of the Northwest Quarter of the East Half of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 1206 Carroll Avenue, Urbana.**

Site Area: **0.46 acres**

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

Prepared by: **Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator**

STATUS

This case was continued from the July 14, 2022 ZBA meeting.

The petitioner has contracted with Precision Engineering Group to design a plan for controlling rainwater from the roof of the proposed garage. The engineer hopes to have a plan in time for the September 15th ZBA meeting.

Attachment B is a revised Summary of Evidence and Finding of Fact that includes testimony from the July 14th meeting.

SNOW FALL CONCERN

At the last meeting, ZBA member Nolan Herbert raised the concern about possible damage to neighboring structures with snowfall from the roof. Zoning Administrator John Hall looked into this and found a sliding snow calculator (Attachment A) that illustrates how far snow can fall from a roof based on roof pitch and span distance. Based on this calculator, it is possible that snow could fall up to 16 feet away from the roof eave. Additional research showed that on roof slopes lower than 4/12 such as the proposed roof, snow tends to move more slowly and is easier to manage.

PROPOSED SPECIAL CONDITION – NO CHANGE

- A. **No business activities including storage of materials or parking of vehicles related to a business either inside or outside of the building shall take place without the proper approvals from the Champaign County Department of Planning & Zoning.**

The above special condition is required to ensure the following:

No unauthorized business use can establish on the subject property.

ATTACHMENTS

- A Chart: Horizontal distance that sliding snow can fall beyond the eaves
- B Revised Summary of Evidence, Finding of Fact, and Final Determination dated September 15, 2022

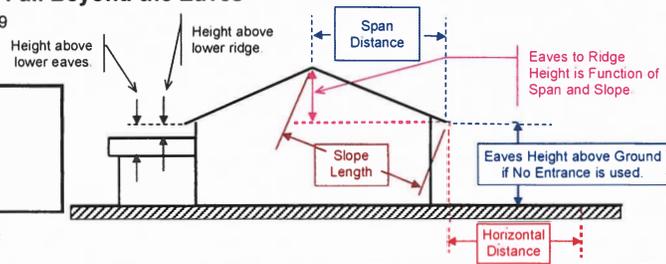
Horizontal Distance That Sliding Snow Can Fall Beyond the Eaves

Created by Alan Greatorex and Jim Buska on 15 October, 1999

Worksheet is protected. Only the input cells below can be changed

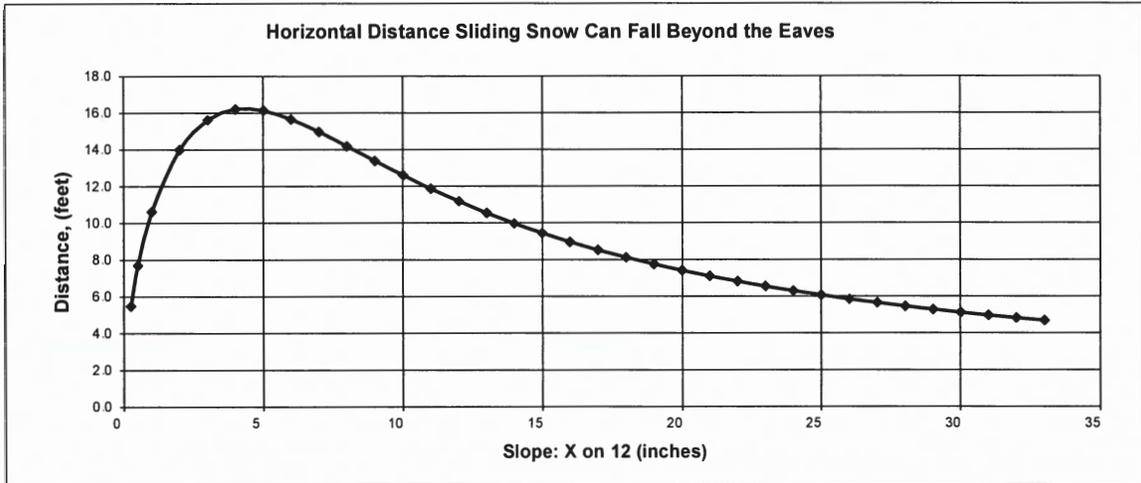
Inputs ¹

Span Distance =	27 ft
Height of Eaves Above Ground (or Height of Eaves Above Lower Roof Ridge or Lower Roof Eaves) =	13 ft 6 in.



Acceleration Due to Gravity = -32.16 ft / sec²

Slope X on 12	Slope	Slope length	Acceleration Parallel to Slope ²	Time Required to Traverse Slope Length	Horizontal Velocity at Eaves	Vertical Velocity at Eaves	Time to Fall from Eaves to Lower Surface	Horizontal Distance ³	Eaves to Ridge Height
inches	degrees	feet	ft / sec ²	seconds	ft / sec	ft / sec	seconds	feet	feet
1/4	1.19	27.0	0.7	8.98	6.0	-0.1	0.91	5.5	0.6
1/2	2.39	27.0	1.3	6.35	8.5	-0.4	0.91	7.7	1.1
1	4.76	27.1	2.7	4.50	12.0	-1.0	0.89	10.6	2.3
2	9.46	27.4	5.3	3.22	16.8	-2.8	0.83	14.0	4.5
3	14.04	27.8	7.8	2.67	20.2	-5.1	0.77	15.6	6.8
4	18.43	28.5	10.2	2.37	22.8	-7.6	0.71	16.2	9.0
5	22.62	29.3	12.4	2.17	24.8	-10.3	0.65	16.1	11.3
6	26.57	30.2	14.4	2.05	26.4	-13.2	0.59	15.7	13.5
7	30.26	31.3	16.2	1.96	27.5	-16.0	0.54	15.0	15.8
8	33.69	32.4	17.8	1.91	28.3	-18.9	0.50	14.2	18.0
9	36.87	33.8	19.3	1.87	28.9	-21.7	0.46	13.4	20.3
10	39.81	35.1	20.6	1.85	29.2	-24.4	0.43	12.6	22.5
11	42.51	36.6	21.7	1.84	29.4	-27.0	0.40	11.9	24.8
12	45.00	38.2	22.7	1.83	29.5	-29.5	0.38	11.2	27.0
13	47.29	39.8	23.6	1.84	29.4	-31.9	0.36	10.6	29.3
14	49.40	41.5	24.4	1.84	29.3	-34.2	0.34	10.0	31.5
15	51.34	43.2	25.1	1.86	29.1	-36.4	0.32	9.4	33.8
16	53.13	45.0	25.7	1.87	28.9	-38.5	0.31	9.0	36.0
17	54.78	46.8	26.3	1.89	28.6	-40.5	0.30	8.5	38.3
18	56.31	48.7	26.8	1.91	28.3	-42.5	0.29	8.1	40.5
19	57.72	50.6	27.2	1.93	28.0	-44.3	0.28	7.7	42.8
20	59.04	52.5	27.6	1.95	27.7	-46.1	0.27	7.4	45.0
21	60.26	54.4	27.9	1.97	27.4	-47.9	0.26	7.1	47.3
22	61.39	56.4	28.2	2.00	27.0	-49.5	0.25	6.8	49.5
23	62.45	58.4	28.5	2.02	26.7	-51.2	0.25	6.5	51.8
24	63.43	60.4	28.8	2.05	26.4	-52.7	0.24	6.3	54.0
25	64.36	62.4	29.0	2.07	26.0	-54.2	0.23	6.1	56.3
26	65.22	64.4	29.2	2.10	25.7	-55.7	0.23	5.8	58.5
27	66.04	66.5	29.4	2.13	25.4	-57.1	0.22	5.6	60.8
28	66.80	68.5	29.6	2.15	25.1	-58.5	0.22	5.5	63.0
29	67.52	70.6	29.7	2.18	24.8	-59.9	0.21	5.3	65.3
30	68.20	72.7	29.9	2.21	24.5	-61.2	0.21	5.1	67.5
31	68.84	74.8	30.0	2.23	24.2	-62.5	0.21	5.0	69.8
32	69.44	76.9	30.1	2.26	23.9	-63.7	0.20	4.8	72.0
33	70.02	79.0	30.2	2.29	23.6	-64.9	0.20	4.7	74.3



1. The roof slope and span distance must be known to use this calculator.
2. The coefficient of friction between the snow and the surface on which it slides is assumed to be zero in these calculations. This yields the worst case in terms of speed and distance.
3. The horizontal distance that snow will fall beyond the eaves is the maximum distance that snow sliding all the way from the ridge will land. Snow will land throughout the range from directly below the eaves to this maximum distance.

General Notes:

- a. This calculator is for slippery metal or membrane roofs (e.g., EPDM or Hypalon).
- b. Snow can fall to lower entrance roofs (at their ridges or eaves) under the eaves of higher roofs, or all the way to the ground.
- c. Choose the appropriate slope from the choices above and follow that row across the table.
- d. Up is assumed to be the positive sign direction.
- e. If a velocity is negative, then it is in the downward direction.
- f. The equations assume that the snow is sliding to the right side (positive). To make the lower gable in the illustration work in this manner, "walk around" to the other gable end.

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**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 14, 2022~~September 15, 2022***

Petitioner: **Angel Corado**

Request: **Authorize a variance for the construction and use of an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two Family Residence Zoning District, per Section 5.3 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 **July 14, 2022** and September 15, 2022, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Angel Corado, 1401 E Perkins Rd, Urbana, owns the subject property.
2. The subject property is a 0.46 acre lot that is the South Half of Lot 38 in Fred C. Carroll's Subdivision of the East Half of the Northwest Quarter of the East Half of Section 9, Township 19 North, Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 1206 Carroll Avenue, Urbana..
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana, 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 Urbana 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 a 0.46-acre lot that is currently zoned R-3 Two Family Residence and is residential in use.
 - B. Land to the north, west and east is zoned R-3 Two Family Residence and is residential in use.
 - C. Land to the south has an annexation agreement with the City of Urbana and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the 0.46-acre subject property:
 - A. The Site Plan created by P&Z Staff on June 27, 2022, includes the following existing and proposed features:
 - (1) Existing features include:
 - a. A single-family residence constructed prior to adoption of the Zoning Ordinance on October 10, 1973; and
 - b. A 24 feet by 32 feet (768 square feet) detached garage constructed prior to adoption of the Zoning Ordinance on October 10, 1973, to be demolished; and
 - c. A garden shed, to be demolished.

- (2) Proposed features include:
 - a. One 54 feet by 72 feet (3,888 square feet) garage for personal use only.
- B. A sketch of the garage was received on May 26, 2022 and showed a wall height of 13.5 feet and an overall height of 22 feet, which averages to approximately 17 feet 9 inches.
- C. There are no previous Zoning Use Permits for the subject property, but there is one that is pending approval of this variance case:
 - (1) ZUPA #133-22-01 is pending approval for construction of the garage.
- D. There are no previous zoning cases for the subject property, but there are numerous approved variances in the Carroll Subdivision. These are detailed on the Zoning Map in Attachment A of the Preliminary Memorandum.
- E. The required variance is to allow an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two Family Residence Zoning District.

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) “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.
 - (3) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (4) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it. As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:
 STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical

measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT.

- (5) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (6) “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.
- B. Paragraph 5.1.6 states: The R-3, Two Family Residence DISTRICT is intended to provide areas for SINGLE and TWO FAMILY DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- 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. Maximum average HEIGHT for a residential ACCESSORY BUILDING in the R-3 Two Family District is established in Section 5.3, Footnote 4 of the *Zoning Ordinance* as 15 feet on lots less than one acre in area and 24 feet on lots one acre or more in area.

- (1) Average height for a building is calculated as the vertical measurement from grade to a point midway between the highest and lowest points of the roof, per Section 3.0 of the Zoning Ordinance, under definition of HEIGHT.

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, **“If the lot was over one acre in the R-3 district, a 24-foot tall building would be allowed. This lot is .46 acre, so it only allows a 15-foot tall building.”**
 - B. Regarding the proposed Variance for an average HEIGHT of 17 feet 9 inches in lieu of the maximum allowed 15 feet for an accessory structure:
 - (1) A lot of 1 or more acres in area can have a detached building with an average height of up to 24 feet in the R-3 district.

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 building has already been purchased.”**
 - B. Regarding the proposed Variance for exceeding the maximum allowed average height of a residential accessory structure: without the proposed variance, the petitioner cannot construct the already purchased building on the subject property.

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. The height of the garage door establishes the overall height of the building.”**
 - B. The petitioner became aware of the height restriction when he applied for the Zoning Use Permit to construct the garage.

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, **“The garage meets all other ordinance requirements. There is adequate light and air on the property.”**

- B. Regarding the proposed variance for exceeding the maximum allowed average height of 15 feet: the requested variance is 118.3% of the maximum average height allowed, for a variance of 18.3%.
- (1) Presumably, the height requirements are to ensure that there are no shadow or visual impediments for adjacent neighbors. The nearest neighboring residential structure is 75 feet to the southwest.

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: **“The garage is similar to other garages in the neighborhood, and will not create safety issues.”**
- B. The Urbana Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The Carroll Fire Protection District has been notified of this variance and no comments have been received.
- D. At the last meeting, ZBA member Nolan Herbert raised the concern about possible damage to neighboring structures with snowfall from the roof.
- (1) Zoning Administrator John Hall looked into this and found a sliding snow calculator that illustrates how far snow can fall from a roof based on roof pitch and span distance. Based on this calculator, it is possible that snow could fall up to 16 feet away from the roof eave. Additional research showed that on roof slopes lower than 4/12 such as the proposed roof, snow tends to move more slowly and is easier to manage.
- E. The following testimony was received from neighbors at the July 14, 2022 ZBA meeting:
- (1) Patricia Russell, 1206 Carroll Avenue, Urbana, said that she resides at the current residence the proposed shed is to be built on and she has rented off Mr. Corado for three plus years, but she is moving now. She said that they have had nothing but trouble with the property and his storage. She has put complaints into P & Z the whole time she has lived there and that should be on record. She said that Mr. Corado had stored institutional freezers in the back of the house for two years to where it blocked off any exit to get out if a fire happened. She said that Mr. Corado stores restaurant equipment in the garage, which she has no use of and has pictures to verify that. She said that the gravel in the driveway she paid for and in the back yard where Mr. Corado is wanting to build the proposed shed is a flood zone. She said that her neighbor’s yard floods. She said as a matter of fact, Mr. Corado drove through her neighbor’s yard one time to dump off stuff and left ruts in her yard, which they also have pictures of, but he did attempt to fix it. She said the lady she spoke to from P & Z that came out to take pictures and let her know Mr. Corado was wanting to build the proposed shed in her backyard, had told her that they are not allowed to store business equipment on a property. She feels that the proposed shed is going to be full

of junk just like the rest of the place. She is moving but she is very close to the neighbors, and they are good people, but they will get to say their testimony too. She feels that the proposed shed will be another place for him to store junk.

- (2) John Slade, 1207 Carroll Avenue, Urbana, said he lives catty-corner from Mr. Corado's place, and he doesn't see why anyone would want to put a big shed in a single-family neighborhood to store a bunch of junk and that is all it is. He said behind the house and garage there is a pile of charcoal stacked to the ceiling that isn't nothing but a fire hazard. He said that is all he wanted to say; the petitioners don't need the shed, it is single-family housing there and that is all it has ever been, except for the two places out there they let stay on account they were there before the Zoning Ordinance came into effect. He said the only two businesses that were supposed to be out there was Jenkins & Key Moving & Storage, and Mack's Twin City Recycling. He said that is all he has got to say, it is a single-family neighborhood, that is what it is, but he can't say why anybody would want to build a shed to store junk and that is what the man has got – junk. He said that Mr. Corado should be made to clean the charcoal up behind the house because it is a fire hazard.
- (3) Janice Walker, 1208 Carroll Avenue, Urbana, said that she lives right next door to Mr. Corado's property. She said her concern is that her lot is higher in the backyard than it is in the front yard and if he is going to build this shed, then he is going to have to properly grade for the shed, because the water would be dumped onto her property, so that is a huge concern. She said if the existing garage that is there is removed, then they will be able to see that shed from the street. She said that she had a letter from one of her neighbors, Bill and Velta Brownfield, but the letter fell out of her purse on her way here. She said they have voted no, and she will get the letter and bring it into staff.
- (4) Scott Walker, 1208 Carroll Avenue, Urbana, said he is located diagonally across the street from Mr. Corado's property and his mother lives next door to him. He said the question that Mr. Elwell asked earlier was with the width of the building, which would take up most of the lot; there is no other option but to dump that water on the neighbor's yard, it can't go anywhere else, because the backyard is higher. He said the gentlemen that lives directly behind his mother has a yard that is higher than that, so she is catching all his water, so when it rains, it floods. He said that he lives directly across the street from his mother and if Mr. Corado tears down the existing garage, then every time he looks out his front door he is going to look at that shed. He said that two doors down there is a monstrosity on a lot that was built up four feet by Eldred Schoonover that floods his backyard. He said the yard is full of junk, he is a contractor by trade and has been his entire life, and he can tell them it is nothing but a huge problem. He said that storing cars is not what Mr. Corado is going to do in the proposed shed. He said it is going to be full of junk like it is now and there has been no respect for the neighborhood or the neighbors. He said that at nine or ten o' clock at night there will be a box truck pull in with beepers going off because it is backing up, and they are unloading and transferring stuff in and out of the truck. He said that he doesn't see why their neighborhood has to have so many monstrosities– it is really irritating. He just bought his house and has lived there for 20 years. He has got one monstrosity down here, another one on the other side of the

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center, two junk yards at the end of the road, another big metal building on this side at the end of Perkins Road, and another big metal building for the semi. He said that it is supposed to be a residential neighborhood and if it is a residential neighborhood, then why do they have all this, why do they have to look at it, why do they have to deal with it, and why do they have to deal with the constant garbage that is laying around. He said that when he was a kid they came in and made the entire neighborhood clean up and had rock roads and junk all over the place, and that is exactly where they are heading now. He said that the property values have decreased, he just doesn't understand why they have to deal with this. He asked how many of these buildings are they going to allow, because every time he looks out a door he is looking at a junk yard, whether it is his neighbor Eldred Schoonover's big building down there that he built his lot up four feet and dumped off onto him, so now his backyard is a swamp. He said that is exactly what will happen to his mother's lot when Mr. Corado builds the proposed shed, because there is nowhere else to put that water. He said that water can't run up hill, so it has to go that way onto their lots. He said this building is going to take up almost the entire lot in width and flood their yards; like Carroll Avenue doesn't have enough problems with water. He said their basement is wet all the time and that entire little section of houses right there is known for flooding. He said that the house that sits on Mr. Corado's lot is known for having water in the crawlspace up to the bottom of the joist; he knew the man that lived there, and he tore down the previous garage and rebuilt the current garage that is there for the man that was living there. He said if Mr. Corado tears that garage down, then they will walk out and when they drive by they are going to see this machine shed, and if he looks out his window there is going be another huge machine shed, they just don't need it in the neighborhood.

- F. In a letter received July 14, 2022, Mr. and Mrs. William Brownfield stated, "We are opposed to any high buildings being put up. We are in a residential area. We think it will affect our property value in our neighborhood. I called and am writing this letter to let Champaign County zoning know how we feel. Our vote is no."
- G. The petitioner has hired an engineer to design a drainage system for storm runoff coming from the roof.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
A. The Petitioner did not provide a response on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
A. **No business activities including storage of materials or parking of vehicles related to a business either inside or outside of the building shall take place without the proper approvals from the Champaign County Department of Planning & Zoning.**

The above special condition is required to ensure the following:

No unauthorized business use can establish on the subject property.

DOCUMENTS OF RECORD

1. Variance Application received June 3, 2022
2. Site Plan received with Zoning Use Permit Application #133-22-01 on May 26, 2022
3. Sketch of proposed garage received with Zoning Use Permit Application #133-22-01 on May 26, 2022
4. Preliminary Memorandum dated July 5, 2022, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan created by P&Z Staff on June 27, 2022
 - C Sketch of proposed garage received May 26, 2022
 - D Images of Subject Property taken June 10, 2022
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated July 14, 2022
5. Supplemental Memorandum #1 dated September 7, 2022, with attachments:
 - A Chart: Horizontal distance that sliding snow can fall beyond the eaves
 - B Revised Summary of Evidence, Finding of Fact, and Final Determination dated September 15, 2022

DRAFT SUMMARY FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **057-V-22** held on **July 14, 2022** and September 15, 2022, 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. ***A lot of 1 or more acres in area can have a detached building with an average height of up to 24 feet in the R-3 district.***
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 proposed variance, the petitioner cannot construct the already purchased building 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 petitioner became aware of the height restriction when he applied for the Zoning Use Permit to construct the garage.***
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 nearest neighboring residential structure is 75 feet to the southwest, and there is adequate light and air on the subject property.***
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 have been notified of the proposed variance, and no comments have been received.***
 - b. Several neighbors expressed concerns about the proposed building flooding their properties after a rain.***
 - c. The petitioner has hired an engineer to design a drainage system for storm runoff coming from the roof.***
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 building has already been purchased, so it cannot be reduced in height.***
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **No business activities including storage of materials or parking of vehicles related to a business either inside or outside of the building shall take place without the proper approvals from the Champaign County Department of Planning & Zoning.**

The above special condition is required to ensure the following:

No unauthorized business use can establish on the subject property.

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 **057-V-22** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Angel Corado**, to authorize the following variance in the R-3 Single Family Residence Zoning District:

Authorize a variance for the construction and use of an accessory structure with an average height of 17 feet 9 inches in lieu of the maximum allowed average height of 15 feet in the R-3 Two Family Residence Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **No business activities including storage of materials or parking of vehicles related to a business either inside or outside of the building shall take place without the proper approvals from the Champaign County Department of Planning & Zoning.**

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