

CASE NO. 147-V-24

PRELIMINARY MEMORANDUM

October 9, 2024

Petitioner: **Jerry & Diamond Hay**

Request: **Authorize the following variance in the R-1 Single Family Residence**

Zoning District:

Part A: Authorize a proposed single-family dwelling with a front yard of 17 feet in lieu of the required 25 feet per Section 5.3 of the Champaign County Zoning Ordinance.

Part B: Authorize a proposed single-family dwelling located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

Subject Property: **The East 67 feet of Lots 1, 2 and 3 of B.R. Hammer's Addition to the Town of Dewey, in the Northwest Quarter of Section 34, in East Bend Township, with an address of 301 Independence Ave., Dewey.**

Site Area: **.23 acres**

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

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

BACKGROUND

The Petitioner purchased the subject property in 2024 and would like to construct a single-family residence. The rectangular subject property has street frontage on three sides and a "rear" property line on one side. The subject property was created prior to the adoption of the Champaign County Zoning Ordinance and is 10,050 square feet in area. The Zoning Ordinance requires lots created between October 10, 1973, and September 21, 1993, to be a minimum of 10,000 sq. ft. and lots created after September 21, 1993 to be a minimum of 20,000 sq. ft if they are connected to a public water system and will use a private septic system.

Constructing a 30x80 ft. home on the property so that it does not encroach on the rear yard will require positioning the house toward the northeast corner of the lot. This also leaves more space for the leach field as shown on the site plan.

The proposed 17 feet front yard does not allow a standard 20 feet long parking space to fit on the proposed driveway.

No updated Site Plan has been received from the Petitioner. The most current Site Plan is the Annotated Aerial with Setbacks included as Attachment C.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Vacant	R-1 Single Family Res.
North	Residential	R-1 Single Family Res.
East	Residential and Commercial	R-1 and B-5 Central Bus.
West	Residential	R-1 Single Family Res.
South	Agriculture and Commercial	AG-1, B-5, I-1 Light Ind.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

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

PROPOSED SPECIAL CONDITIONS

- A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department.**

The above special condition is required to ensure the following:

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

ATTACHMENTS

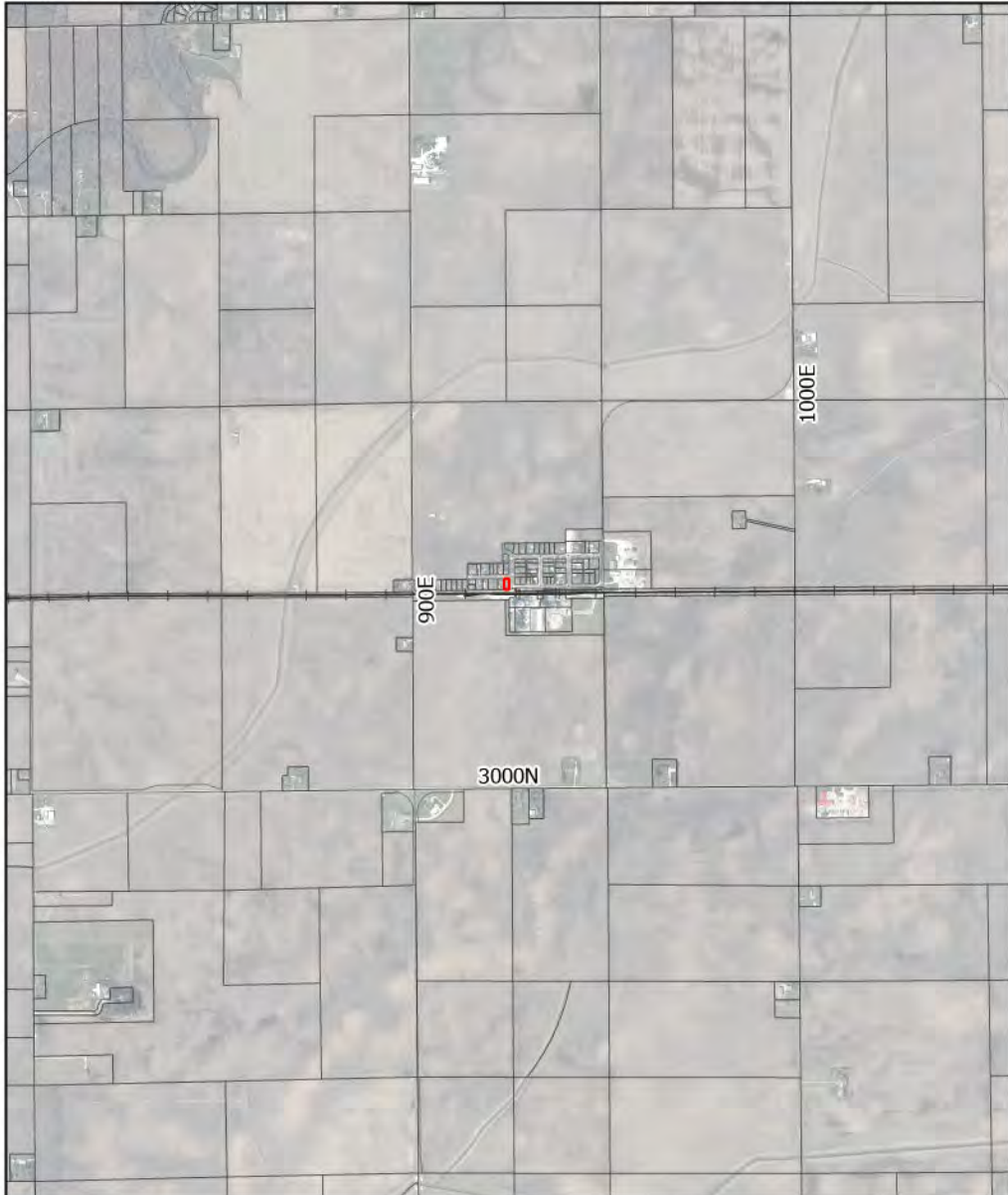
- A Case Maps (Location, Land Use, Zoning)
- B Aerial Photo 1973/2023
- C Annotated Aerial Photo with Setbacks
- D House Floorplan received July 29, 2024,
- E Septic System Site Plan received September 26, 2024
- F Images of Subject Property taken September 18, 2024
- G Draft Summary of Evidence, Finding of Fact, and Final Determination dated October 17, 2024



Location Map

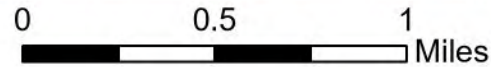
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September 26, 2024

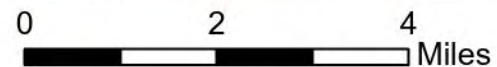
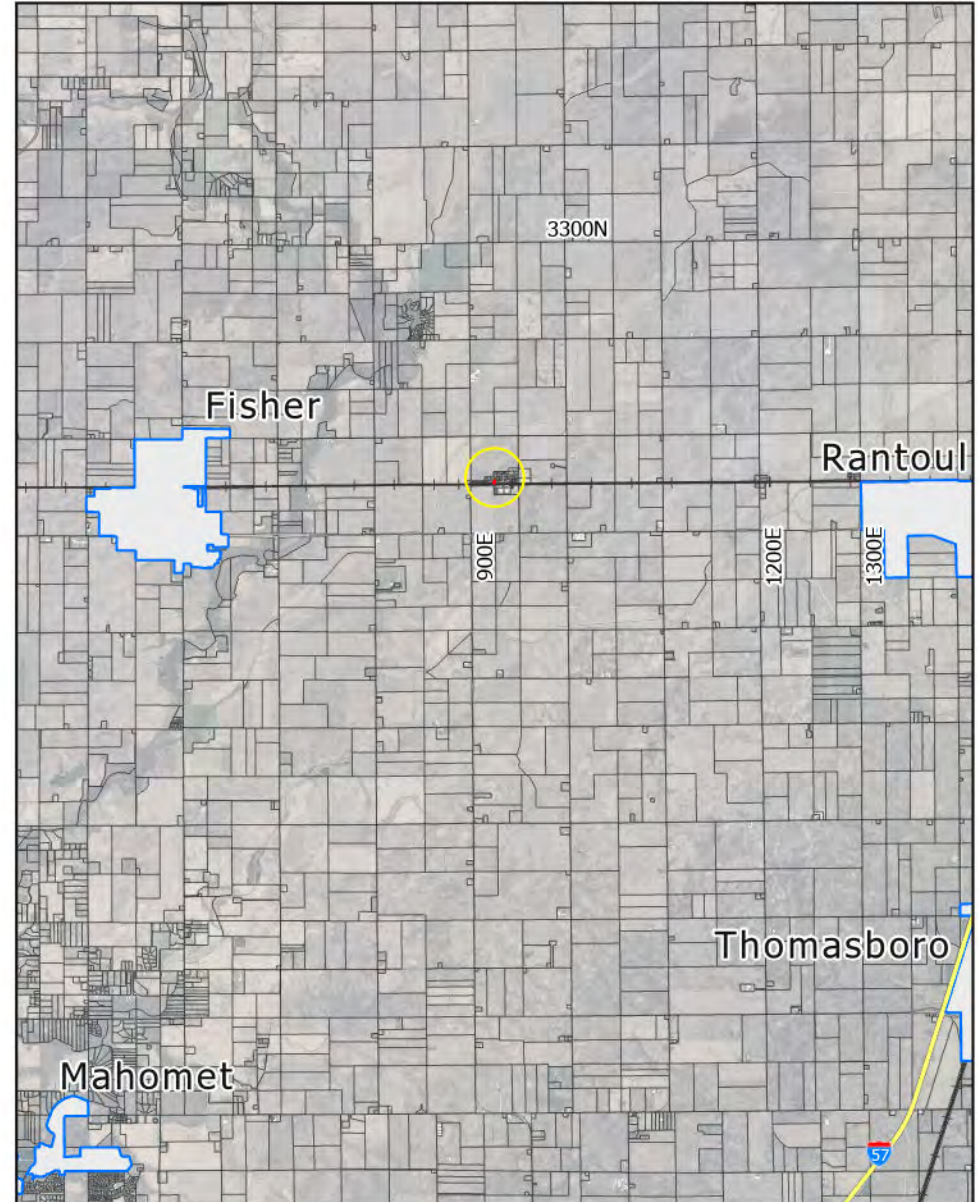
Subject Property in Dewey



-  Subject Property
-  Municipal Boundary



Property Location in Champaign County



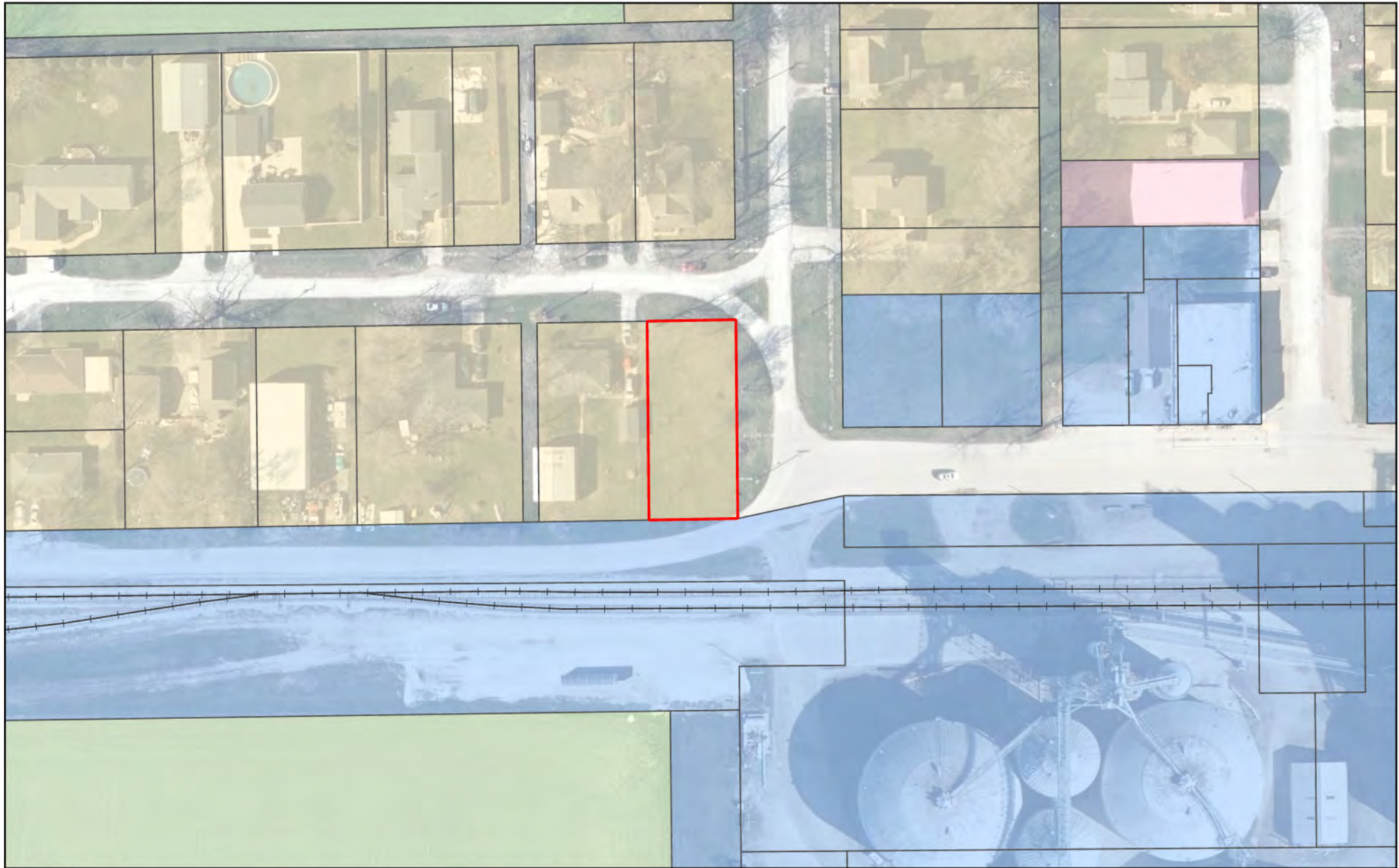
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Land Use Map

Case 147-V-24

September 26, 2024



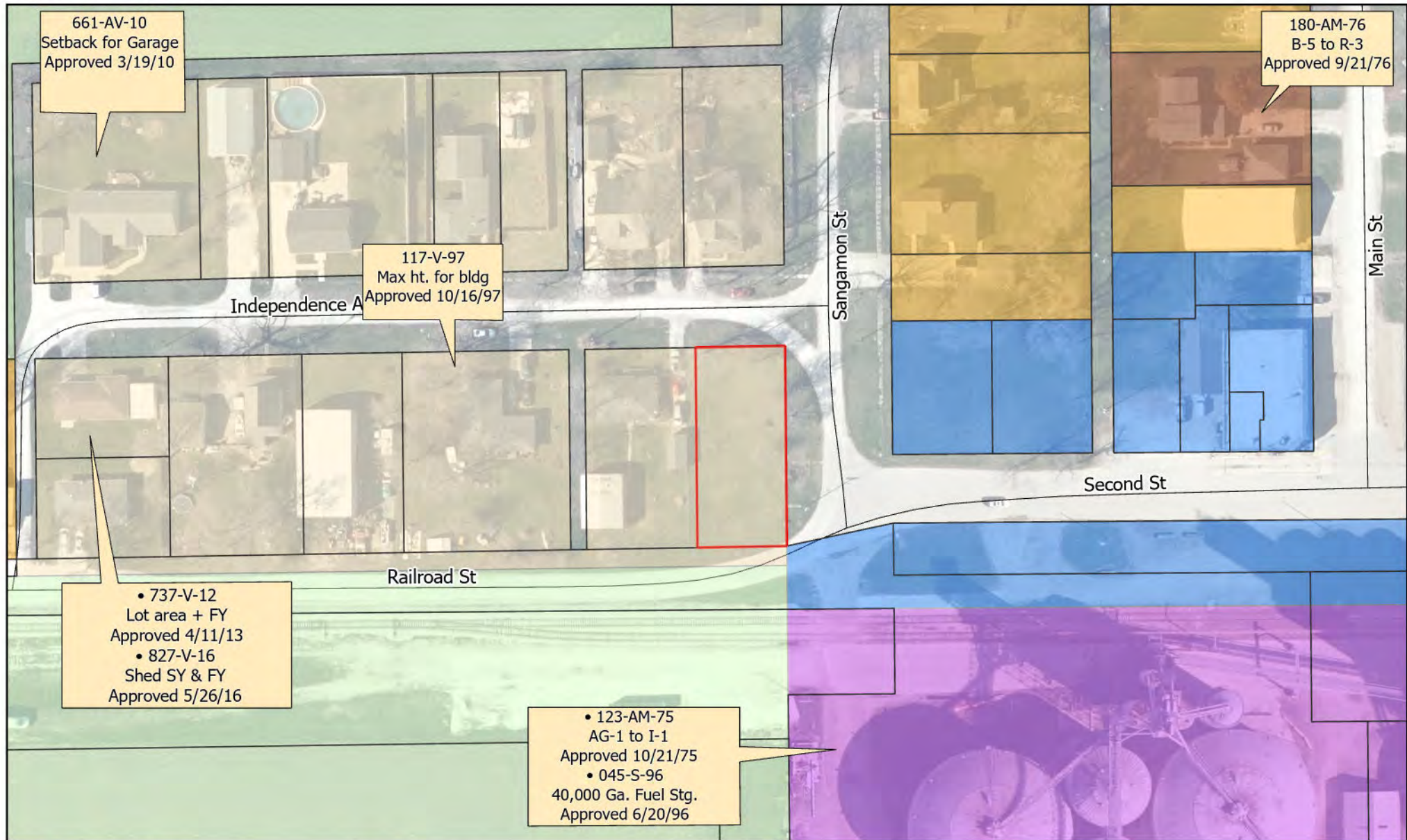
- | | | |
|---|---|--|
|  Subject Property |  Agriculture |  Government |
|  Residential |  Commercial | |



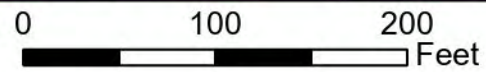
Zoning Map

Case 147-V-24

September 26, 2024



- | | | |
|--|--|--|
|  Subject Property |  R-3 Two-Family Residence | |
|  R-1 Single-Family Residence |  AG-1 Agriculture | |
|  R-2 Single-Family Residence |  B-5 Central Business |  I-1 Light Industry |



Aerial Imagery 2023 & 1973

Case 147-V-24

September 26, 2024

2023 Aerial Imagery



1973 Aerial Imagery

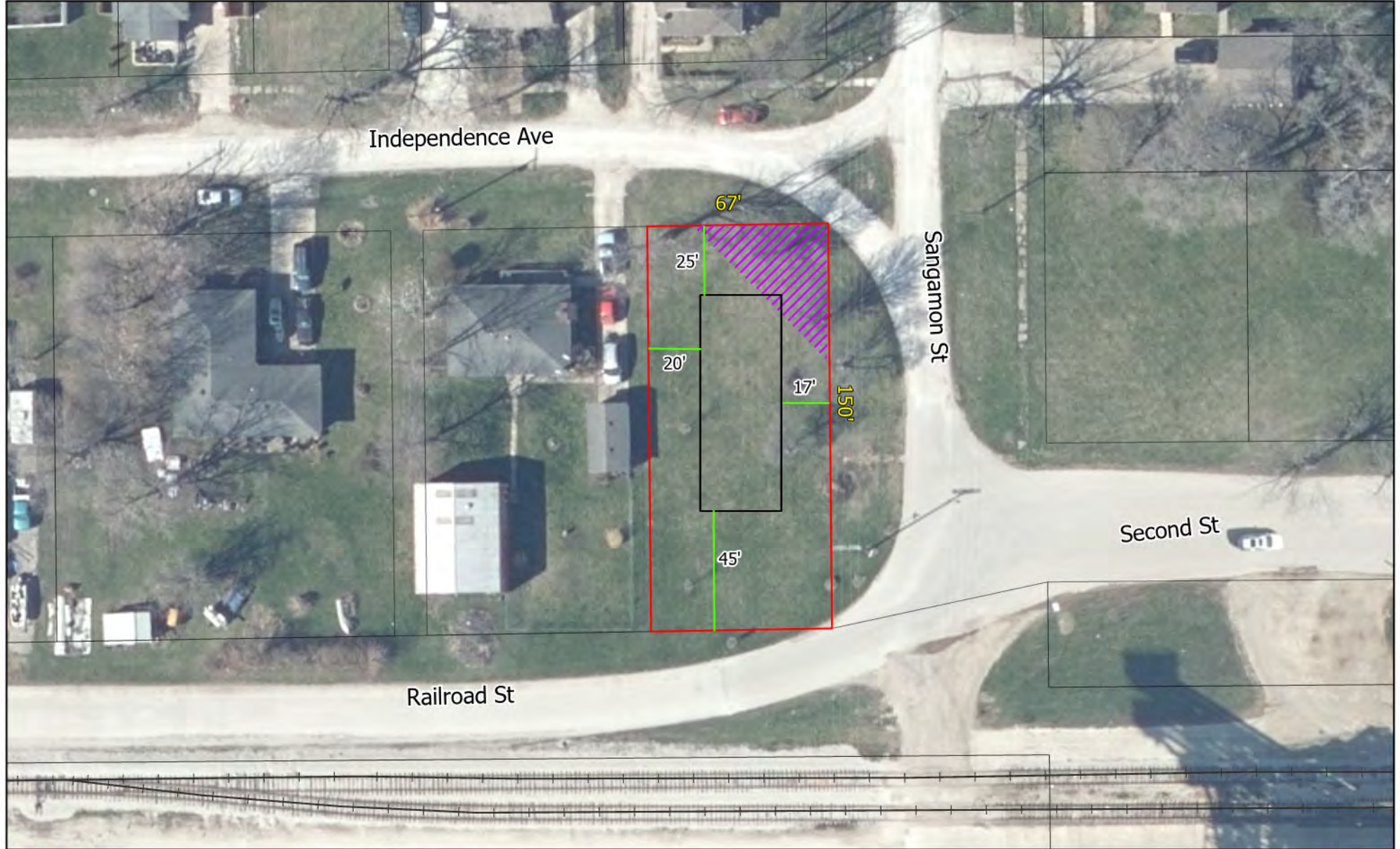


0 50 100 Feet

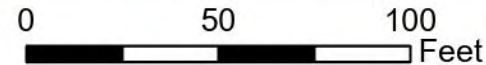


Annotated Aerial with Setbacks

Case 147-V-24
October 17, 2024



- Subject Property
- Setback Measurement
- Lot Dimensions
- Visibility Triangle
- Proposed Home



PROPERTY LINE

15' WIDE ST

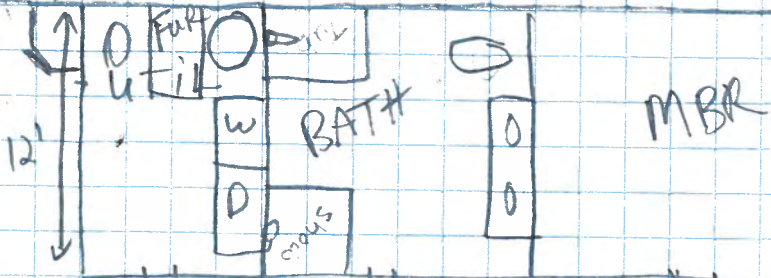
RAILROAD ST

80'

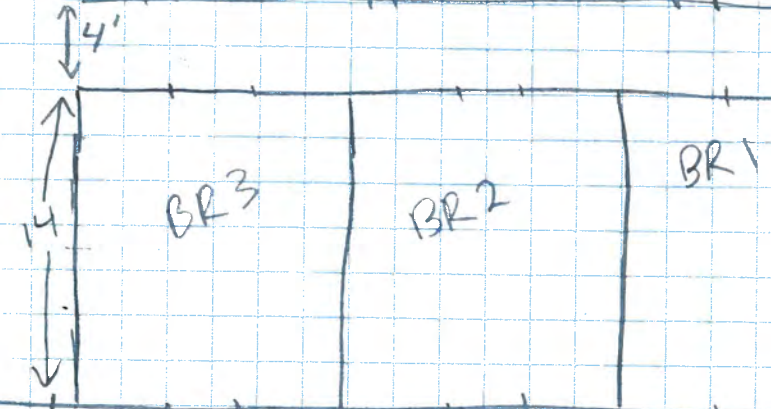
30'

20' 8'

Kit



LR



8x7 Driveway

24'

69 1/4 x 82'

RECEIVED

JULY 29, 2024

CHAMPAIGN COUNTY
PLANNING & ZONING

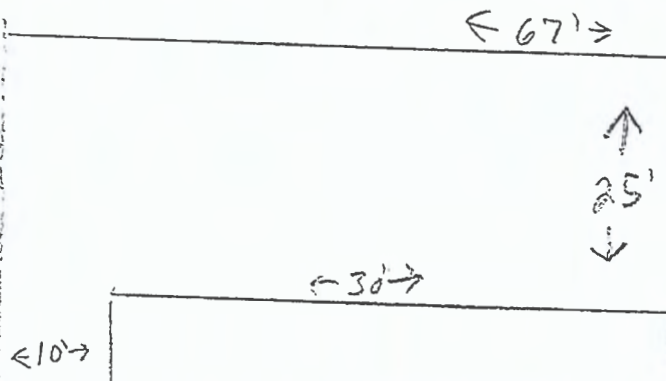
SANG ST

Sybr-Iter

RECEIVED

SEP 26 2024

CHAMPAIGN CO. P & Z DEPARTMENT



301 Independence
 Dewey, IL 61840
 High Point
 3 1/2"
 Hay, Jerry & Diamond

4 BEDROOM
 NO GARBAGE DISPOSAL

J&S WASTEWATER SYSTEMS, INC.
 Leading the way in wastewater treatment technology

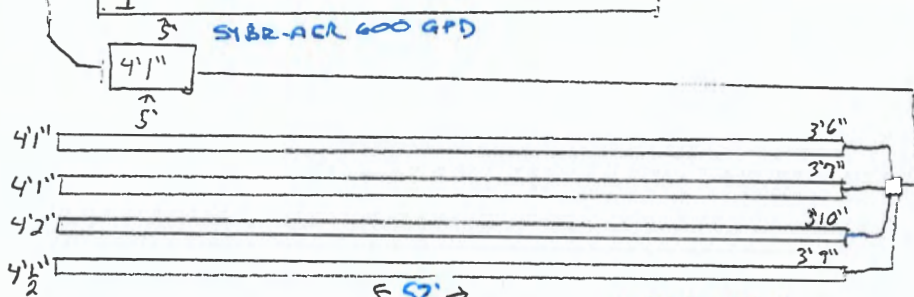


Steve Johnson
 President

217-328-7796
 stevej@jswastewatersystems.com
 jswastewatersystems.com

1404 Carroll Ave.
 Urbana, IL 61802

Driveway



INFILTRATOR

25' From Water

150'

Water

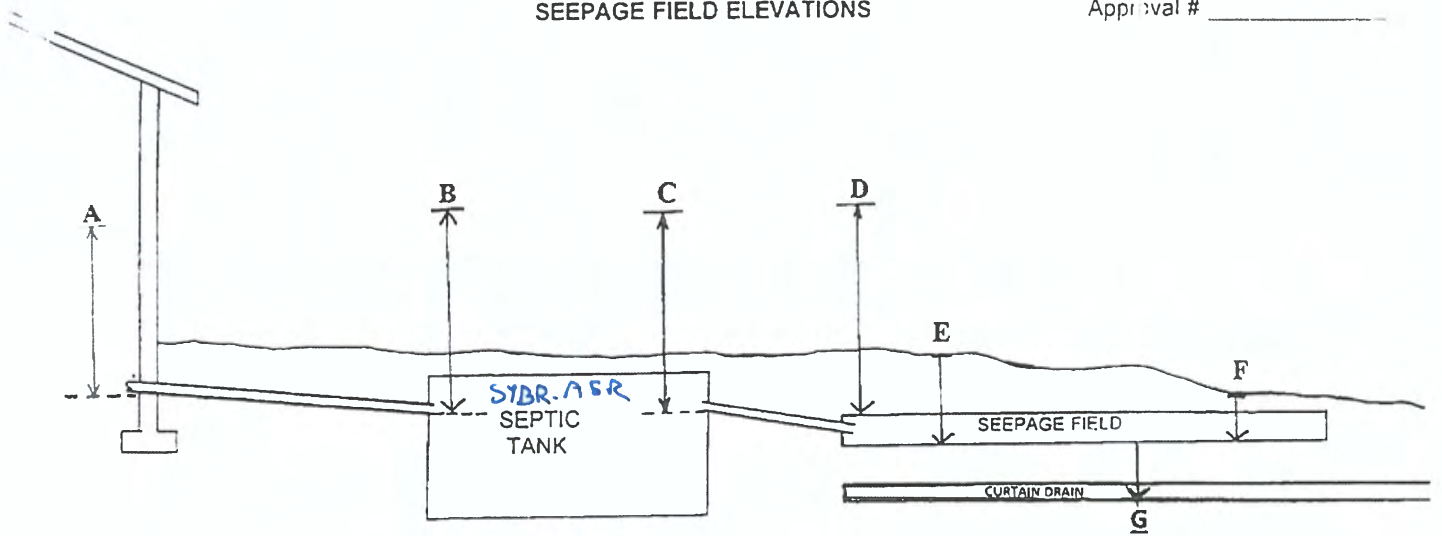
RECEIVED

SEP 26 2024

CHAMPAIGN CO. P & Z DEPARTMENT

SEEPAGE FIELD ELEVATIONS

Approval # _____



- A to B: Distance 60' Fall 7.50"
- C to D: Difference between invert of outlet and top of gravel, gravelless pipe or chamber. PUMPED DISCHARGE
- E: Trench bottom maximum depth to existing grade. 22"
- F: Trench bottom minimum depth to existing grade. 8" + 6" BACKFILL = 14" TOTAL
- G: Difference between the bottom of the seepage field and the bottom of the curtain drain. N/A

147-V-24 Site Images



From intersection of Independence & Sangamon facing SW to Subject Property



From Subject Property facing North across Independence Ave.

147-V-24 Site Images



From Independence Ave. facing South along property line



From intersection of Second St. and Sangamon St facing West toward Subject Property

147-V-24 Site Images



From Railroad St. facing South along property line

PRELIMINARY DRAFT

147-V-24

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

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

Date: ***{October 17, 2024}***

Petitioner: **Jerry & Diamond Hay**

Request: **Authorize the following variance in the R-1 Single Family Residence Zoning District:**
Part A: Authorize a proposed single-family dwelling with a front yard of 17 feet in lieu of the required 25 feet per Section 5.3 of the Champaign County Zoning Ordinance.
Part B: Authorize a proposed single-family dwelling located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 17, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Jerry & Diamond Hay, own the subject property.
2. The subject property is a 0.23-acre in Section 34, in East Bend Township, and is the east 67 feet of Lots 1,2 and 3 of B.R. Hammer's Addition to the Town of Dewey, with an address of 301 Independence Ave., 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 currently zoned R-1 Single Family Residence. Land use is vacant residential.
 - B. Land to the north and west is zoned R-1 Single Family Residence and is residential in use.
 - C. Land to east is zoned R-1 Single Family Residence and B-6 Central Business and is residential and commercial in use.
 - D. Land to the south is zoned AG-1 Agriculture, B-5 Central Business and I-1 Light industry is and is in use as a grain elevator facility.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Site Plan received on August 3, 2024, indicates the following:
 - (1) A proposed 30x80 ft. single family residence facing Sangamon St.
 - (2) A floor plan of the house was submitted with the Variance Application on July 29, 2024.
 - B. The Site Plan showing the location and layout of the septic system was received on September 26, 2024.
 - C. No updated Site Plan has been received from the applicant. The most current Site Plan is the Annotated Aerial with Setbacks included as Attachment C.
 - D. There are no previous Zoning Cases or Zoning Use Permits for the subject property.
 - E. The requested variance is for a proposed single-family dwelling with a front yard of 17 feet in lieu of the minimum required 25 feet in the R-1 Single Family Residence Zoning

District, and to authorize a proposed single-family dwelling located within the corner visibility triangle

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) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (2) “BUILDING, MAIN or PRINCIPAL: The BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (3) “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.
 - (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (5) “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.
 - (6) “LOT, CORNER” is a LOT located:
 - (a) at the junction of and abutting two or more intersecting STREETS; or
 - (b) at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm or floodwater runoff channel or basin; or
 - (c) at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
 - (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 LINES” are the lines bounding a LOT.
 - (9) “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.
 - (10) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (11) “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

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of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.

- (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” 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, 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 DELLINGS, 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:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.

- b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Regarding the proposed variance:
- (1) Minimum 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.
 - (2) The 50-foot visibility triangle is established in Section 4.3.3 F.1. of the Zoning Ordinance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Buildable area is unusually narrow and has three street frontages.”**
 - B. The subject property was created prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973, and is currently a vacant lot. The property previously contained a single-family residence that was constructed prior to October 10, 1973, and was demolished sometime after 2002.
 - C. The required setback for a principal structure in the R-1 Zoning District is 55 feet from the centerline of the road or 25 feet from the property line whichever is further back on the property.
 - (1) The platted right-of-way width of Independence Ave. is 60 feet making the setback line 25 feet from the north property line.
 - (2) The platted right-of-way width of Sangamon St. is 80 feet making the setback line 25 feet from the east property line.
 - (3) The platted right-of-way width of Railroad St. is 50 feet however with the railroad tracks on the south side of the road the width of railroad street right-of-way is approximately 47 feet measured on the Champaign County GIS. This results in a setback line approximately 32 feet from the south property line.
 - (4) The required rear yard on the west side of the subject property is 20 feet from the property line.

PRELIMINARY DRAFT

- D. The proposed septic system location is on the south side of the property which requires the house to be located toward the north end of the property and within the corner visibility triangle of Independence Ave. and Sangamon St.

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, **“No additional land is available for purchase, proposed buildable area is extremely narrow.”**
- B. Regarding the proposed variance: without the proposed variance, the petitioner would have to construct a smaller home and may have difficulty putting in a septic system for the home.

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, **“When purchasing the property we were originally told a larger buildable area, which was not accurate.”**
- B. The Department of Planning and Zoning has received inquiries about this lot since it was listed for sale in 2021. The setback and yard requirements as well as the process for variance approval was noted.

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, **“With an additional 8 feet, does not cause any hazards, changes to easements or utilities.”**
- B. The required variance is for a 17-foot front yard in lieu of the minimum required 25 feet and to authorize construction within the corner visibility triangle of Independence Ave. and Sangamon St. The proposed 17-foot front yard will not allow a standard 20 feet long parking space to fit on the proposed driveway.
- C. Regarding variance Part A for a principal building with a front yard of 17 feet in lieu of the minimum required 25 feet in the R-1 Single Family Residence District: the requested variance is 68% of the minimum required, for a variance of 32%.
- D. Regarding variance Part B for a building located in the visibility triangle: the proposed house location results in a visibility triangle of 40 feet for a requested variance of 20%.

- E. Regarding the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlay the minimum front yard requirements. In general, the front yard requirement is presumably intended to ensure the following:
- (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known plans to expand Sangamon St.
 - (3) Parking where applicable.
- F. Regarding the proposed variance for not locating in the visibility triangle, the Zoning Ordinance seeks to not impede vision for adjacent road traffic.
- (1) Independence Ave. and Sangamon St are low speed streets with limited traffic.
 - (2) There are other existing non-conforming houses in the neighborhood that are constructed within the corner visibility triangle that do not impede vision for adjacent road traffic.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“No, traffic is low, will not cause congestion, will not impede other properties, will not use or cause hazardous waste.”**
 - B. The East Bend Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The Sangamon Valley Fire Protection District has been notified of this variance, and no comments have been received.
 - D. 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: **“This lot has three frontages, which causes this lot to have ample space that is considered unbuildable.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department.**

The above special condition is required to ensure the following:

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That any dwelling on the property conforms to County regulations for private sewage disposal systems.

DOCUMENTS OF RECORD

1. Variance Application received July 29, 2024, with attachments:
 - A Site Plan received July 29, 2024
 - B Floor Plan received July 29, 2024
 - C Revised Site Plan received August 3, 2024
 - D Septic System Site Plan received September 26, 2024

2. Preliminary Memorandum dated September 18, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Aerial Photo 1973/2023
 - C Annotated Aerial Photo with Setbacks
 - D House Floorplan received July 29, 2024
 - E Septic System Site Plan received September 26, 2024
 - F Images of Subject Property taken September 17, 2024
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination dated October 17, 2024

PRELIMINARY DRAFT**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **147-V-24** held on **October 17, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The property has frontage on three streets and one rear yard resulting in a small buildable area based on the zoning regulations.***
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***Without the approval of the proposed variance, the petitioner would have to construct a smaller home and may have difficulty putting in a septic system for the home.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The lot was created prior to the adoption of the Champaign County Zoning Ordinance and its location along three streets results in a small buildable area.***
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 requested variance of a 17-foot front yard is 68% of the minimum required 25 feet, for a variance of 32%.***
 - b. ***The proposed house location results in a requested variance of a 40-foot visibility triangle in lieu of the required 50 feet, for a variance of 20%.***
 - c. ***There are no known plans to expand Independence Ave. or Sangamon Street.***
 - d. ***Other houses in the area that are constructed in the corner visibility triangle do not impede traffic visibility.***
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***Relevant jurisdictions were notified of this case, and no comments have been received.***
 - b. ***There are no known plans to expand Independence Ave. or Sangamon Street.***
 - c. ***Other houses in the area that are constructed in the corner visibility triangle do not impede traffic visibility.***
6. The requested variance **{SUBJECT TO THE PROPOSED CONDITION}** **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The requested variance is the minimum variance required to construct the proposed home on the lot and provide the required separation to the adjacent property.***

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

- A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department.**

The above special condition is required to ensure the following:

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

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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 Variance requested in Case 147-V-24 is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Jerry & Diamond Hay**, to authorize the following variance:

Part A: Authorize a proposed single-family dwelling with a front yard of 17 feet in lieu of the required 25 feet per Section 5.3 of the Champaign County Zoning Ordinance.

Part B: Authorize a proposed single-family dwelling located within the corner visibility triangle, per Section 4.3.3 F.1. of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department.**

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