

# CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **March 13, 2008**  
Time: **7:00 p.m.**  
Place: **Lyle Shields Meeting Room  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING  
FROM WASHINGTON STREET PARKING  
LOT AFTER 4:30 PM.  
Use Northeast parking lot via Lierman Ave.,  
and enter building through Northeast  
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at  
(217) 384-3708*

**EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM**

## AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings
6. New Public Hearings

**\*Case 512-V-05** Petitioner: **Guadalupe Guzman and Kent Follmer, attorney**

Request: **Authorize the division of a lot of 2.784 acres in area in lieu of the requirement that a property be more than five acres in area to be divided in the CR Conservation-Recreation District.**

Location: **Lot 2 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the property at 3207 East Airport Road.**

**\*Case 513-V-05** Petitioner: **Guadalupe Guzman and Kent Follmer, attorney**

Request: **Authorize the following in the CR Conservation-Recreation District:**

**A. The use of a lot 0.361 acres in area in lieu of the required area of 1 acre and an average lot width of 115 feet in lieu of the required average lot width of 200 feet.**

**B. The use of an existing dwelling with a side yard of 12 feet in lieu of the required side yard of 15 feet.**

Location: **Proposed Lot 2 of Guzbeck Granja Subdivision in Section 2 of Urbana Township and commonly known as the house at 3207 East Airport Road.**

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**  
**NOTICE OF REGULAR MEETING**  
**MARCH 13, 2008**  
**PAGE 2**

**\*Case 606-FV-08** Petitioner: **Guadalupe Guzman and Kent Follmer, attorney**

Request: **Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation.**

Location: **Lot 2 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road.**

**\*Case 607-V-08** Petitioner: **John P. Brown**

Request: **Authorize the use and construction of a single family dwelling with a rear yard of six feet in lieu of the required 20 feet rear yard on lots in the R-1 Single Family Dwelling District.**

Location: **Lot 11 of Spring Lake Subdivision in Section 17 of Mahomet Township and commonly known as the house at 1511 North Shore Drive, Mahomet.**

7. Staff Report
8. Other Business
9. Audience Participation with respect to matters other than cases pending before the Board
10. Adjournment

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**\* Administrative Hearing. Cross Examination allowed.**

# CASE NO. 512-V-05

PRELIMINARY MEMORANDUM

March 7, 2008

Champaign  
County  
Department of

Petitioners: **Guadalupe Guzman and  
Kent Follmer, attorney**

Request: **Authorize the division of a lot  
2.784 acres in area in lieu of the  
requirement that a property be more  
than five acres in area to be divided in  
the CR Conservation-Recreation  
District.**

**PLANNING &  
ZONING**

Site Area: **2.784 acres**

Time Schedule for Development:

**Immediate**

Location: **Lot 2 of Leonard's Farnett's  
Subdivision in Section 2 of Urbana  
Township and commonly known as the  
property at 3207 East Airport Road.**

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

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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## BACKGROUND

The background of Cases 512-V-05, 513-V-05, & 606-FV-08 is as follows:

1. Staff first received a complaint regarding the subject property in January 2002.
2. Staff discovered an accessory storage structure had been converted into a dwelling creating a lot with two single family dwellings on it. Staff sent a First Notice to the then owners of the subject property, Kenneth and Margaret Rowe on March 18, 2002. Mr. Rowe contacted the Department to determine what action was necessary to correct the violation.
3. The enforcement case was discussed at the Environment and Land Use Committee (ELUC) in April 2002, but action was deferred due to a change in Zoning Administrators and the Comprehensive Zoning Review Cases 344-AT-02 and 352-AT-02 which were withdrawn in August 2003 and replaced.
4. ELUC considered amending the Zoning Ordinance to allow two single family dwellings on a lot but finally decided against amending the Zoning Ordinance to allow two dwellings on a single lot at the January 10, 2005, ELUC meeting. For some reason, there was no follow up with the Rowe's enforcement case following the ELUC decision.
5. Mr. Guzman apparently contacted the Department after purchasing the property in June 2005. Staff reserved a docket space for Mr. Guzman on July 1, 2005, and a notice of violation was mailed on October 13, 2005.
6. The Petitioners submitted their applications for variance on January 24, 2008. They filed the necessary documents for subdivision with the City of Urbana on January 25, 2008.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases. The Petitioners have also applied for a subdivision plat with city that is related to this case and Case 513-V-05.

## **EXISTING LAND USE AND ZONING**

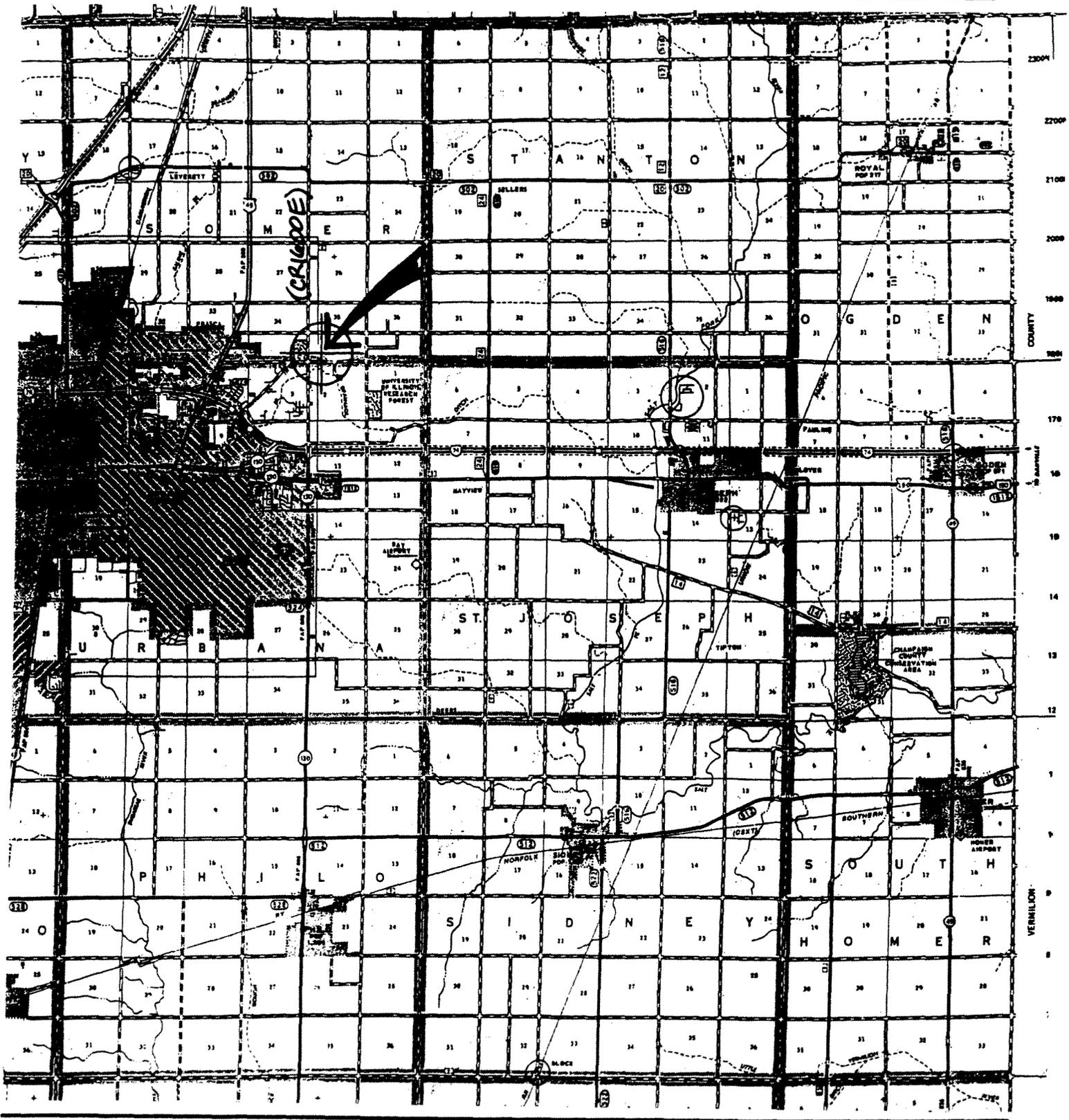
**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Dwelling	CR Conservation-Recreation
North	Single Family Dwelling	AG-2 Agriculture
East	Single Family Dwelling	CR Conservation-Recreation
West	Single Family Dwelling	CR Conservation-Recreation
South	Single Family Dwelling	CR Conservation-Recreation

## **ATTACHMENTS**

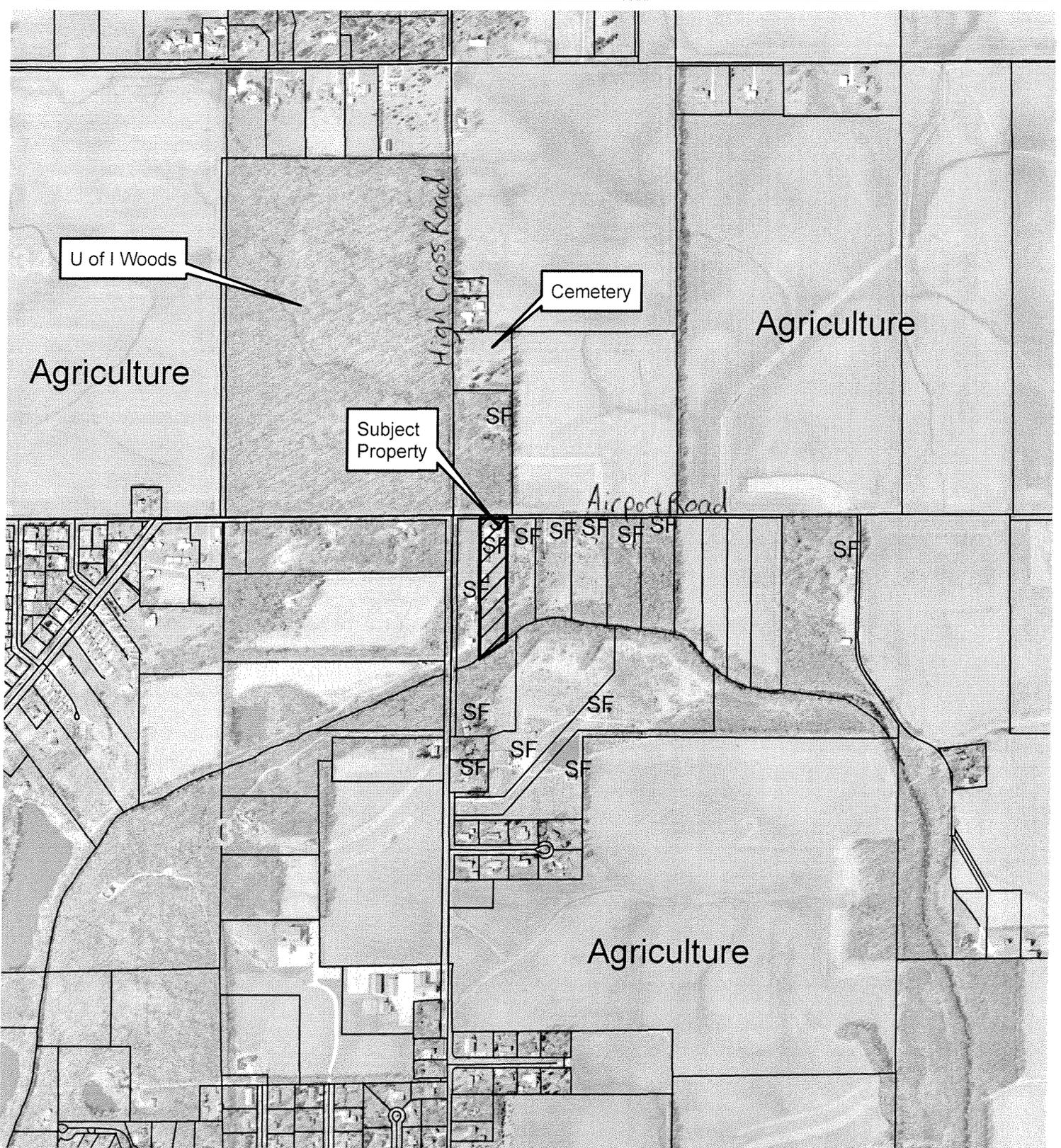
- A Case Maps (Location, Land Use, Zoning)
- B Proposed Plat of Guzbeck Granja Subdivision received on January 24, 2008
- C Petitioner's Exhibits A-E
- D Letter from Carroll E. Goering, received on March 5, 2008
- E Excerpt of Champaign County Soil Survey
- F Excerpt of Soil Potential Ratings for Septic Tank Absorption Fields for Champaign County, Illinois
- G Traffic Map from Illinois Department of Transportation website
- H Draft Summary of Evidence for Case 592-V-07

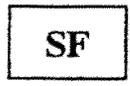
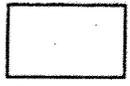
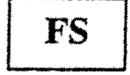
ATTACHMENT A. LOCATION MAP  
Cases 512-V-05, 513-V-05, & 606-FV-08  
MARCH 7, 2008



Champaign  
County  
Department of  
**PLANNING &  
ZONING**

**ATTACHMENT A. LAND USE MAP**  
**Cases 512-V-05, 513-V-05, and 606-FV-08**  
 MARCH 7, 2008



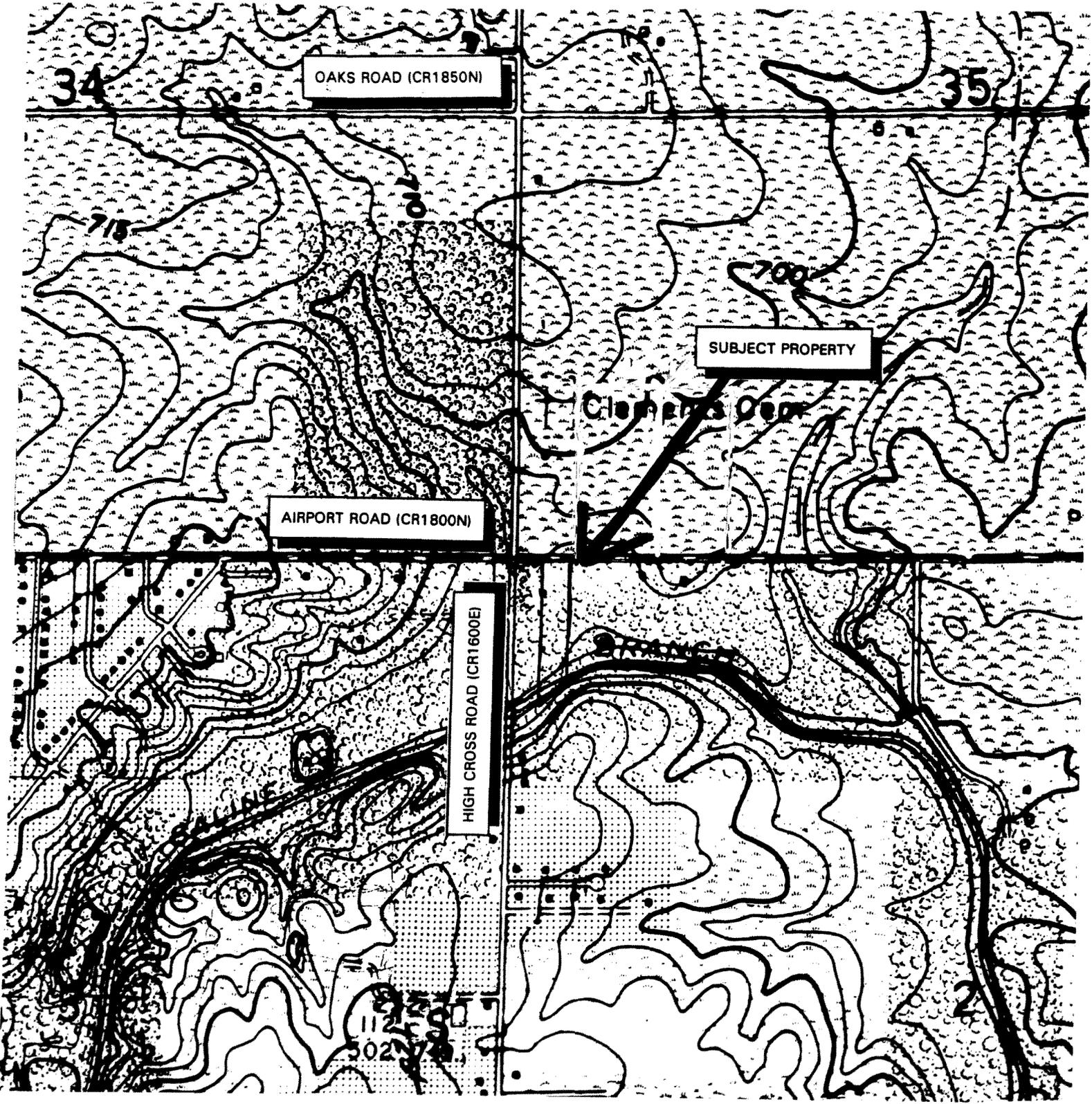
	<b>Area of Concern</b>	
	<b>Single Family</b>	
	<b>Farmstead</b>	



1 inch equals 800 feet

Champaign  
 County  
 Department of  
**PLANNING &  
 ZONING**

ATTACHMENT A. ZONING MAP  
 Cases 512-V-05, 513-V-05, & 606-FV-08  
 MARCH 7, 2008



AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of <b>PLANNING &amp; ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	

RECEIVED

JAN 24 2008

CHAMPAIGN CO. P & Z DEPARTMENT

LEGEND

- PROPOSED SUBDIVISION BOUNDARY
- PROPOSED LOT LINE (w/ dimension)
- SETBACK LINE
- EASEMENT LINE
- EXISTING LOT LINE
- COMBINATION EASEMENT & SETBACK LINE
- CENTERLINE
- EXISTING CONTOUR
- EXISTING INDEX CONTOUR
- WATER MAIN (w/ size)
- STORM SEWER (w/ size)
- GAS LINE (w/ size)
- SANITARY SEWER (w/ size)
- UNDERGROUND TELEPHONE (w/ type)
- UNDERGROUND TELEPHONE
- UNDERGROUND ELECTRIC
- UNDERGROUND CABLE TV
- OVERHEAD TELEPHONE
- OVERHEAD ELECTRIC
- OVERHEAD CABLE TV
- POWER POLE
- TELEPHONE POLE
- LIGHT POLE
- GUY WIRE ANCHOR
- INLET
- STORM SEWER MANHOLE (Open Lid)
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE (Closed Lid)
- ELECTRIC MANHOLE (Closed Lid)
- EXISTING FIRE HYDRANT
- FOUND IRON PIN/PIPE MONUMENT (w/ # or size)
- SET IRON PIN/PIPE MONUMENT (#2537)
- FOUND CONCRETE MONUMENT (w/ #)
- SET CONCRETE MONUMENT (#2537)
- RECORD DIMENSION
- ORIGINAL LOT NUMBER
- 1 --- PROPOSED LOT NUMBER
- TRAFFIC SIGNAL LIGHT
- ORNAMENTAL YARD LIGHT
- ELECTRIC TRANSFORMER
- TELEPHONE JUNCTION BOX
- P.I. --- POINT OF INTERSECTION
- P.C. --- POINT OF CURVATURE
- P.C.C. --- POINT OF COMPOUND CURVATURE
- R, L, Δ --- CURVE RADIUS, ARC LENGTH, CENTRAL ANGLE
- P.T. --- POINT OF TANGENCY
- P.O.C. --- POINT OF COMMENCEMENT
- P.O.B. --- POINT OF BEGINNING
- COR. --- CORNER
- LN --- LINE
- SEC. --- SECTION
- 25-17N-12W --- SECTION-TOWNSHIP-RANGE
- I.R. --- IRON ROD
- IDOT --- ILLINOIS DEPARTMENT OF TRANSPORTATION
- I.P. --- IRON PIPE
- NW --- NORTHWEST
- NE --- NORTHEAST
- SW --- SOUTHWEST
- SE --- SOUTHEAST
- P.M. --- PRINCIPAL MERIDIAN
- T. --- TOWNSHIP
- R. --- RANGE
- C.L. --- CENTERLINE
- T'S 3 --- TRANSIT STATION
- R.O.W. --- RIGHT OF WAY
- RP RAP --- RP RAP
- ASPHALT --- ASPHALT
- BUILDING --- BUILDING
- CONCRETE --- CONCRETE

FIRM NOTE

ACCORDING TO FIRM COMPUTED PANELS 1708A-1158 & 1159, 3/1/88, THE APPROXIMATE ELEVATION OF THE 100' W. STORMS 587.5'

NOTH EXISTING STRUCTURES ARE ABOVE THAT ELEVATION WITH A SUBSTANTIAL PART OF THE SITE BEING BELOW THAT ELEVATION.

BENCHMARKS

BM#1 - URBANA HORIZONTAL CONTROL POINT NO. 14, INTERSECTION AIRPORT ROAD AND BROWNFIELD ROAD, ELEVATION - 722.40

BM#2 - TOP OF SANITARY MANHOLE, NORTH RAN SEPTIC TANK EAST OF NW HOUSE, IN PASTURE, ELEVATION - 668.72

ENGINEER/SURVEYOR CERTIFICATE

I, REX A. BRADFELD, CIVIL LICENSED PROFESSIONAL ENGINEER NO. 37893 AND PROFESSIONAL LAND SURVEYOR NO. 2537, DO HEREBY CERTIFY THAT I HAVE PREPARED SHEETS 2 OF THE ATTACHED OUTBACK GRANJA SUBDIVISION

REX A. BRADFELD PROFESSIONAL ENGINEER 37893 PROFESSIONAL SURVEYOR NO. 2537

*Rex A. Bradfield* 1/22/08 DATE

PROPOSED SUBDIVISION BOUNDARY



CHAMPAIGN COUNTY, ILLINOIS

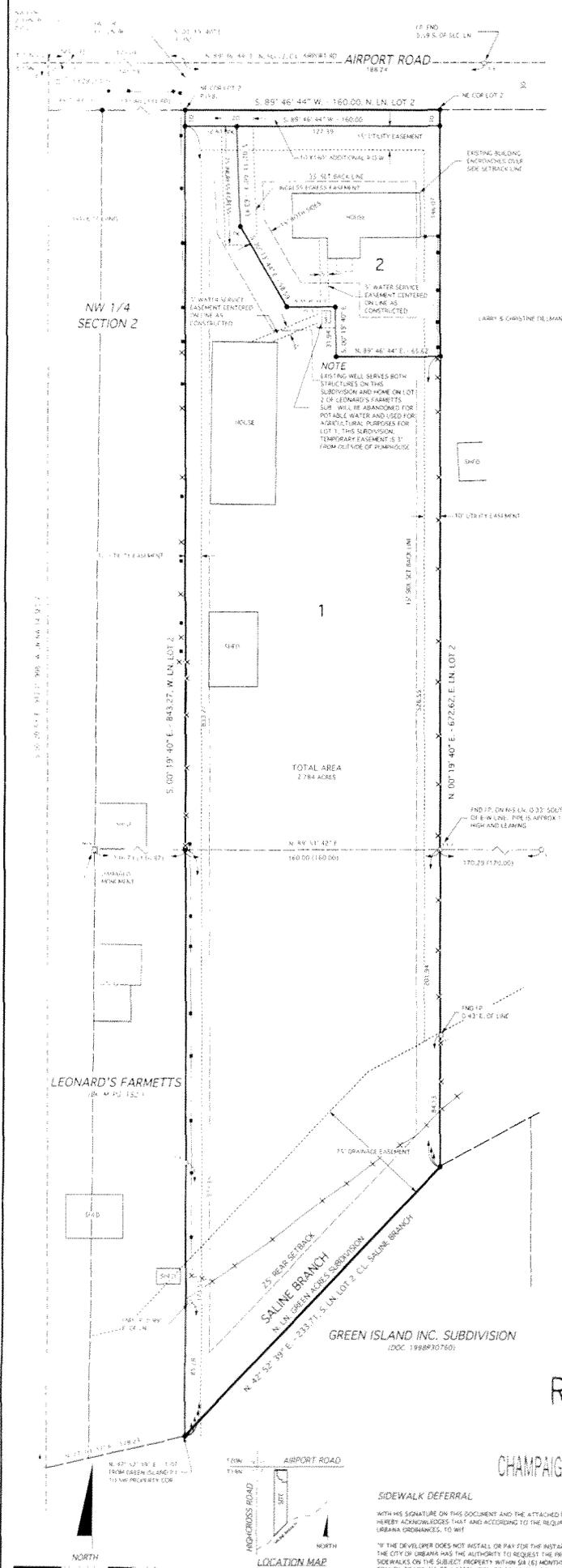
FILED	FILED	FILED	FILED
1/22/08	1/22/08	1/22/08	1/22/08
11:13:07	11:13:07	11:13:07	11:13:07
2/18/08	2/18/08	2/18/08	2/18/08

EXISTING TOPOGRAPHY & LEGEND

Prepared by: ZAMCO, Inc. 1 of 02

FIELD WORK COMPLETED 10/11/2007

CHAMPAIGN COUNTY, ILLINOIS



**DRAINAGE STATEMENT**

TO THE BEST OF OUR KNOWLEDGE AND BELIEF REASONABLE PROVISIONS HAVE BEEN MADE FOR THE COLLECTION AND DISPOSAL OF SURFACE WATER WITHIN THE PLAT AREA. ON DRAINAGE WHICH THE SUBDIVIDER HAS THE RIGHT TO USE AND THAT SUCH SURFACE WATERS ARE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES AND THE CITY OF URBANA'S DEVELOPMENT CODE. THE SUBDIVIDER HAS BEEN ADVISED SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE DRAINAGE DIVISION.

*D.A. Bragg* 1/22/08  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

*Guadalupe Gutman*  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

**SURVEYOR'S CERTIFICATE**

I, RAY A. BRAGG, BEING A LICENSED PROFESSIONAL LAND SURVEYOR NO. 37893 AND MANAGER AGENT FOR ZAMCO, INC. DO HEREBY CERTIFY THAT IN COMPLIANCE WITH THE CITY OF URBANA, ILLINOIS, PLAT ACT, AND THE SUBDIVISION ACT, I HAVE SURVEYED AND PLATTED THE ABOVE DESCRIBED SUBDIVISION IN ACCORDANCE WITH THE CITY OF URBANA, ILLINOIS, DEVELOPMENT CODE AND THE CITY OF URBANA, ILLINOIS, PLAT ACT. THE SUBDIVISION IS SITUATED IN THE NORTHWEST 1/4 OF SECTION 2, T. 19 N., R. 9 E., OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, AS RECORDED ON PAGE 152 IN BOOK 44 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER AND THAT I HAVE SURVEYED SAID LOT 2 AND LOT 1 AND SAID SUBDIVISION WITH SAID LOTS BEING KNOWN NOW AND FOREVER AFTER AS THE GREEN ISLAND SUBDIVISION OF LOT 2, SAID SUBDIVISION BEING A PART OF THE CITY OF URBANA, ILLINOIS.

COMMENTING AT AN UNKNOWN MONUMENT SITUATED AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 2, T. 19 N., R. 9 E., OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS, I HEREBY BASED ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, IN A CITY OF URBANA BEARING OF N. 89° 46' 44" W., 160.00 FEET, ESTABLISHED FROM CITY OF URBANA MONUMENTS NUMBERS 13 AND 14 ESTABLISHED ON AUGUST 22, 1937 AND REFERENCED TO HAD 83 BUNDLES STATE PLAT AND EAST ZONE LIND.

THE INTERSECTION OF THE WEST LINE OF LOT 2 OF LEONARD'S FARMETTE SUBDIVISION, SAID SUBDIVISION IS RECORDED ON PAGE 152 OF BOOK 44 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, THENCE S. 00° 19' 40" E., ALONG SAID NORTH LINE 160.00 FEET TO THE POINT OF BEGINNING, THENCE COMPENSING S. 00° 19' 40" E., ALONG SAID WEST LINE, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING, THENCE COMPENSING S. 00° 19' 40" E., ALONG SAID NORTH LINE A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING, SAID CENTERLINE ALSO BEING THE NORTH LINE OF THE GREEN ISLAND SUBDIVISION SAID SUBDIVISION IS RECORDED ON DOCUMENT NO. 178993 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, THENCE N. 42° 58' 39" E., ALONG SAID NORTH LINE A DISTANCE OF 233.71 FEET TO THE SOUTH EAST CORNER OF SAID LOT 2, THENCE N. 00° 19' 40" W., ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 160.00 FEET TO AN IRON ROD SET AT THE NORTH EAST CORNER OF SAID LOT 2, THENCE S. 89° 46' 44" W., ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 160.00 FEET TO THE POINT OF BEGINNING, CONTAINING 2.784 ACRES (121,271 SQUARE FEET), MORE OR LESS, AND ALL UTILITIES WITHIN THE LIMITS OF CHAMPAIGN COUNTY, ILLINOIS.

IFURTHER CERTIFY THAT:

1. THIS SUBDIVISION PLAT WAS PREPARED IN ACCORDANCE WITH ALL THE CONTROLLING ORDINANCES WHICH HAVE JURISDICTION FOR THIS PROPERTY.
2. ALL RECORDS SHOWN ON THE ATTACHED PLAT ARE ESTABLISHED FROM CITY OF URBANA MONUMENTS NUMBERS 13 AND 14 ESTABLISHED ON AUGUST 22, 1937 AND REFERENCED TO HAD 83 BUNDLES STATE PLAT AND EAST ZONE LIND.
3. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS OF A FOOT THEREOF.
4. ALL SURVEY MONUMENTS SET ARE 30" LONG, 1.5" DIAMETER REINFORCMENT BARS BEARING A CAP STAMPED WITH THE CONCRETE MONUMENTS BEARING THE SAME CAP OR AS SHOWN ON THE ATTACHED PLAT.
5. MONUMENTS SET BY THIS SURVEY WILL HAVE A THEORETICAL UNSTABILITY OF POSITION OF 0.10" PER ANNIUM EAST AND FROM THE THEORETICAL POSITION SHOWN ON THE ATTACHED DRAWING OF SURVEY.
6. THIS PLAT HAS NO PLANNED IMPROVEMENTS AND THE DRAINAGE WILL NOT BE CHANGED FROM THE EXISTING DRAINAGE TOWARD OR AWAY FROM EXISTING IMPROVEMENTS SHOWN ON THE ATTACHED SURVEY OF THE GROUND.
7. ALL OF THE PROPERTY COVERED BY THIS PLAT IS WITHIN THE SPECIAL FLOOD HAZARD AREA, AS IDENTIFIED BY FEMA. I HAVE OBTAINED FLOOD INSURANCE FROM PANELS OF FLOODING 0118R AND 0126R DATED 8/18/06 FROM THE COUNTY OF URBANA IN WHICH THE SUBJECT PROPERTY IS LOCATED. THE SURVEY CERTIFICATE RECALCULATES THE ZONE DESIGNATION WHICH IS WITHIN A SPECIAL FLOOD HAZARD AREA.
8. THE PROPERTY DEVELOPED IS SITUATED WITHIN ONE AND ONE HALF MILES OF THE CORPORATE LIMITS OF THE CITY OF URBANA.
9. WITH THIS PLAT ALL EASEMENTS AND AN INCREASED 10' OF PUBLIC RIGHT OF WAY SHOWN ARE HEREBY DEDEDICATED TO THE CITY OF URBANA.
10. THIS PROPERTY IS PRESENTLY SERVED BY AN EXISTING POTABLE WATER SUPPLY WELL, WHICH SERVES ALL STRUCTURES ON LOT 1 AND 2 OF LEONARD'S FARMETTE SUBDIVISION. ON THIS DATE, A 12" WATER MAIN IS BEING CONSTRUCTED ALONG THE FRONT OF THESE LOTS AND KING'S AMERICAN WATER COMPANY HAS MADE CONNECTION TO THAT WATER MAIN AVAILABLE TO ALL OWNERS WHICH FRONT THE WATER MAIN. THE LOTS SHOWN ON THIS PLAT WILL BE SERVED BY THAT MAIN AND LOT 1 WILL ALSO BE SERVED BY THAT MAIN. THE WELL SHOWN BEING ABANDONED EXCEPT FOR THAT PART WHICH SERVES LOT 2 OF THIS SUBDIVISION. THE WATER MAIN THAT WILL BE USED FOR ALUMINA TONAL PREPARED A TEMPORARY EASEMENT IS SHOWN ON THIS PLAT FOR ACCESS AND MAINTENANCE UNTIL THE WELL IS ABANDONED. TERMS OF EASEMENT ARE ON ATTACHED DOCUMENTS.
11. THIS PROPERTY IS SERVED BY A SINGLE INDESTRUCTIBLE ASPHALT DRIVEWAY, A 20' X 7.5' INDESTRUCTIBLE EASEMENT TO SERVE LOTS 1 AND 2 OF THIS SUBDIVISION IS CREATED WITH THIS DOCUMENT AND SITUATED AS SHOWN ON THE ATTACHED PLAT OF SUBDIVISION. TERMS OF EASEMENT ARE ON ATTACHED DOCUMENTS.
12. NO SANITARY SEWER SERVICE LINE IS AVAILABLE FOR THIS SUBDIVISION. BOTH LOTS 1 AND 2 HAVE EXISTING SANITARY SEWER SYSTEMS AS SHOWN ON THE ATTACHED PLAT. A SOIL EVALUATION REPORT NO. 1048, DATED 1/17/03 WAS PREPARED BY MR. J. VOSS, CIVIL, UIC FOR THIS PROPERTY. THAT REPORT DOES NOT CONTAIN ANY INFORMATION WHICH IS RELEVANT FOR THE DRAINAGE OF THE SUBJECT SYSTEMS. THE ONLY CONCERN IN SEASONAL WATER TABLE, BUT THIS ENTIRE SITE IS SITUATED WITHIN THE FIRM FLOOD HAZARD AREA AND IS SUBJECT TO SEASONAL FLOODING TO A lesser DEGREE FOR MORE EXTENSIVE DRAINING.
13. ACCORDING TO LOCAL AND STATE REGULATIONS, THIS PROPERTY IS SUBJECT TO THE REQUIREMENTS OF THE CHAMPAIGN COUNTY OF DISTRICT AND CONTAINS CERTAIN PARTS THAT DO NOT CONFORM TO SAID ZONING DISTRICT REGULATIONS AND WILL BE GRANTED WAIVERS OF COMPLIANCE BY THE CHAMPAIGN COUNTY ZONING BOARD DURING ITS CONSIDERATION OF ZONING.

CASE NO. \_\_\_\_\_ SCHEDULED FOR \_\_\_\_\_ 2007

14. WITH THE ABOVE SAID DEED AND SUBDIVISION, I HEREBY AUTHORIZE THE CITY OF URBANA TO ACCEPT THIS DOCUMENT.

I DO HEREBY CERTIFY TO ANY JUDICIAL COURT OR LAW ENFORCEMENT AGENCY THAT I AM THE SOLE PROPRIETOR OF THE INSTRUMENTS SHOWN HEREON AND THAT THE APPLICATION OF THAT INSTRUMENT IS BEING MADE BY THE BELOW SIGNER.

*D.A. Bragg* 1/22/08  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

**APPROVALS**

\_\_\_\_\_  
 CITY ENGINEER

\_\_\_\_\_  
 DIRECTOR, COMMUNITY DEVELOPMENT SERVICES

\_\_\_\_\_  
 SECRETARY, URBANA PLAN COMMISSION

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**URBANA COORDINATE SYSTEM REFERENCE**

ALL ELEVATIONS ARE REFERENCED TO GROUND LEVEL FROM URBANA HORIZONTAL FEATURE MARK NO. 13 (16.4) THE CAPITAL REFERENCE MARK.

FROM	NORTHING	EASTING	BEARING	TO	NORTHING	EASTING	DISTANCE
URBANA 14	1,262,417.000	1,033,174.250	S. 89° 46' 44" W.	URBANA 14	1,262,417.000	1,033,174.250	0.000
URBANA 14	1,262,417.000	1,033,174.250	S. 89° 46' 44" W.	URBANA 14	1,262,417.000	1,033,174.250	0.000

**ADDRESSES & LOT SIZES**

LOT NO.	ADDRESS	LOT AREA	ZONING
1	3201 E. AIRPORT ROAD	2.386 ACRES (103,240 S.F.)	DISTRICT CHAMPAIGN COUNTY ZONING DISTRICT C (COMMERCIAL)
2	3207 E. AIRPORT ROAD	0.361 ACRES (15,735 S.F.)	
R.O.W.	NONE	0.032 ACRES (1,400 S.F.)	SETBACKS FRONT - 15' SIDE - 15' REAR - 25'
TOTAL AREA		2.784 ACRES (121,271 S.F.)	

**OWNER CERTIFICATION**

I, MR. GUADALUPE GUTMAN, TO HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED BY THIS PLAT WHICH IS BEING DIVIDED INTO THE GREEN ISLAND SUBDIVISION OF LOT 2.

*Guadalupe Gutman*  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

**RECEIVED**  
 JAN 24 2008  
 CHAMPAIGN CO. P & Z DEPARTMENT

**SIDEWALK DEFERRAL**

WITH HIS SIGNATURE ON THIS DOCUMENT AND THE ATTACHED DOCUMENTS, THE OWNER HEREBY ACKNOWLEDGES THAT, AND ACCORDING TO THE REQUIREMENTS OF THE CITY OF URBANA ORDINANCES, TO WIT:

"IF THE DEVELOPER DOES NOT INSTALL OR PAY FOR THE INSTALLATION OF SIDEWALKS, THEN THE CITY OF URBANA HAS THE AUTHORITY TO REQUEST THE PROPERTY OWNERS TO INSTALL SIDEWALKS ON THE SUBJECT PROPERTY WITHIN 90 DAYS OF PASSAGE BY THE CITY COUNCIL OF URBANA OF A RESOLUTION TO SO DO. THE CITY HAS THE AUTHORITY TO CONSTRUCT THE SIDEWALKS AND CHARGE THE THEM OWNERS FOR THE CONSTRUCTION OF THE THEM OWNERS OR NOT INSTALL THE SIDEWALKS AS REQUESTED. IT IS AGREED BY THE DEVELOPER THAT THIS OBLIGATION SHALL BE A COVENANT RUNNING WITH THE LAND."

**APPROVALS**

\_\_\_\_\_  
 CITY ENGINEER

\_\_\_\_\_  
 DIRECTOR, COMMUNITY DEVELOPMENT SERVICES

\_\_\_\_\_  
 SECRETARY, URBANA PLAN COMMISSION

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**URBANA COORDINATE SYSTEM REFERENCE**

ALL ELEVATIONS ARE REFERENCED TO GROUND LEVEL FROM URBANA HORIZONTAL FEATURE MARK NO. 13 (16.4) THE CAPITAL REFERENCE MARK.

FROM	NORTHING	EASTING	BEARING	TO	NORTHING	EASTING	DISTANCE
URBANA 14	1,262,417.000	1,033,174.250	S. 89° 46' 44" W.	URBANA 14	1,262,417.000	1,033,174.250	0.000
URBANA 14	1,262,417.000	1,033,174.250	S. 89° 46' 44" W.	URBANA 14	1,262,417.000	1,033,174.250	0.000

**ADDRESSES & LOT SIZES**

LOT NO.	ADDRESS	LOT AREA	ZONING
1	3201 E. AIRPORT ROAD	2.386 ACRES (103,240 S.F.)	DISTRICT CHAMPAIGN COUNTY ZONING DISTRICT C (COMMERCIAL)
2	3207 E. AIRPORT ROAD	0.361 ACRES (15,735 S.F.)	
R.O.W.	NONE	0.032 ACRES (1,400 S.F.)	SETBACKS FRONT - 15' SIDE - 15' REAR - 25'
TOTAL AREA		2.784 ACRES (121,271 S.F.)	

**OWNER CERTIFICATION**

I, MR. GUADALUPE GUTMAN, TO HEREBY STATE THAT I AM THE LEGAL OWNER OF THE PROPERTY DESCRIBED BY THIS PLAT WHICH IS BEING DIVIDED INTO THE GREEN ISLAND SUBDIVISION OF LOT 2.

*Guadalupe Gutman*  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

**RECEIVED**  
 JAN 24 2008  
 CHAMPAIGN CO. P & Z DEPARTMENT

**APPROVALS**

\_\_\_\_\_  
 CITY ENGINEER

\_\_\_\_\_  
 DIRECTOR, COMMUNITY DEVELOPMENT SERVICES

\_\_\_\_\_  
 SECRETARY, URBANA PLAN COMMISSION

DATE \_\_\_\_\_

ATTEST: \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

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ALL ELEVATIONS ARE REFERENCED TO GROUND LEVEL FROM URBANA HORIZONTAL FEATURE MARK NO. 13 (16.4) THE CAPITAL REFERENCE MARK.

FROM	NORTHING	EASTING	BEARING	TO	NORTHING	EASTING	DISTANCE
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**ADDRESSES & LOT SIZES**

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2	3207 E. AIRPORT ROAD	0.361 ACRES (15,735 S.F.)	
R.O.W.	NONE	0.032 ACRES (1,400 S.F.)	SETBACKS FRONT - 15' SIDE - 15' REAR - 25'
TOTAL AREA		2.784 ACRES (121,271 S.F.)	

**OWNER CERTIFICATION**

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*Guadalupe Gutman*  
 RECORDING ENGINEER NO. 37893  
 ZAMCO, INC.

**RECEIVED**  
 JAN 24 2008  
 CHAMPAIGN CO. P & Z DEPARTMENT

**APPROVALS**

\_\_\_\_\_  
 CITY ENGINEER

\_\_\_\_\_  
 DIRECTOR, COMMUNITY DEVELOPMENT SERVICES

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 SECRETARY, URBANA PLAN COMMISSION

EXHIBIT

A1

FRIENDS

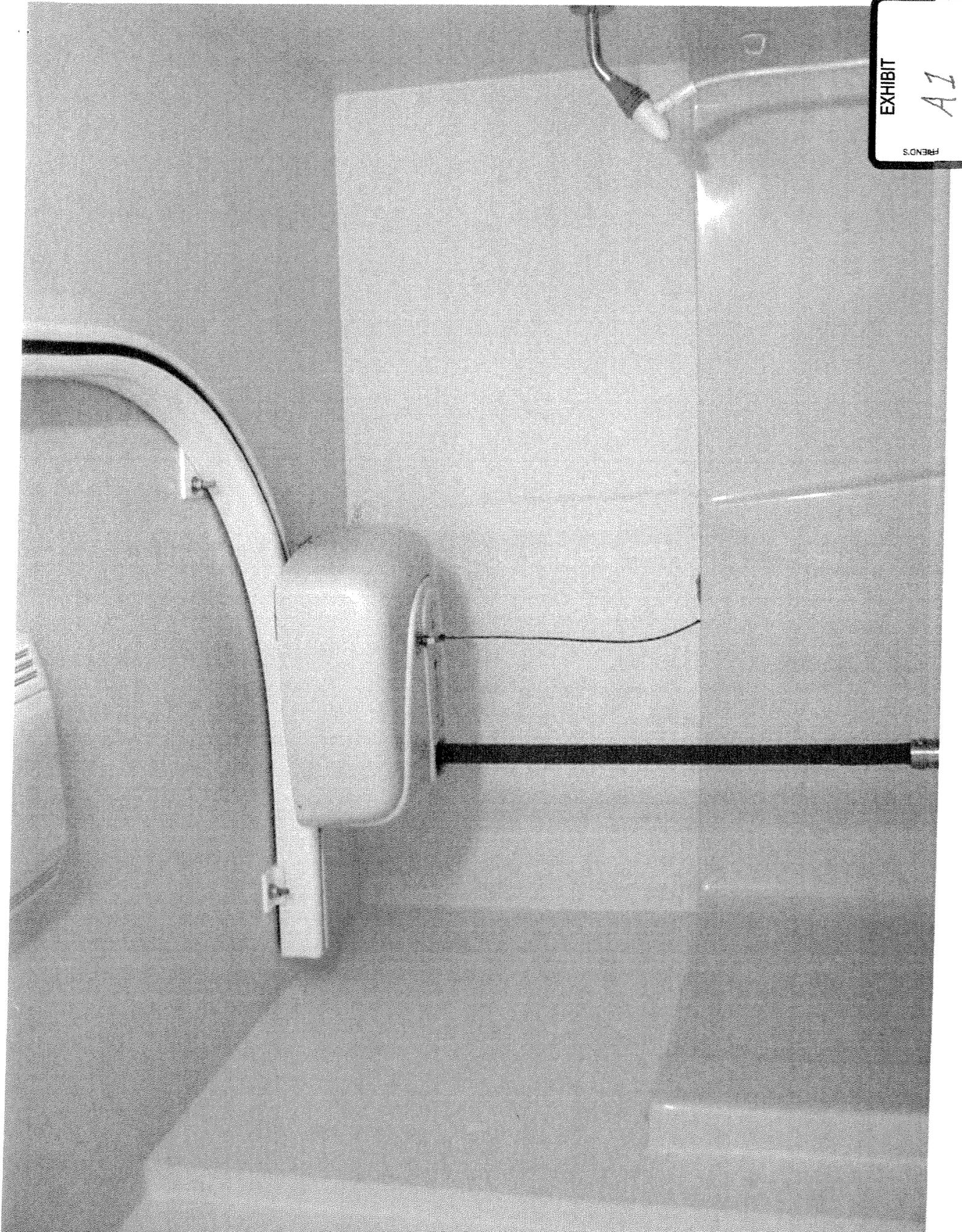
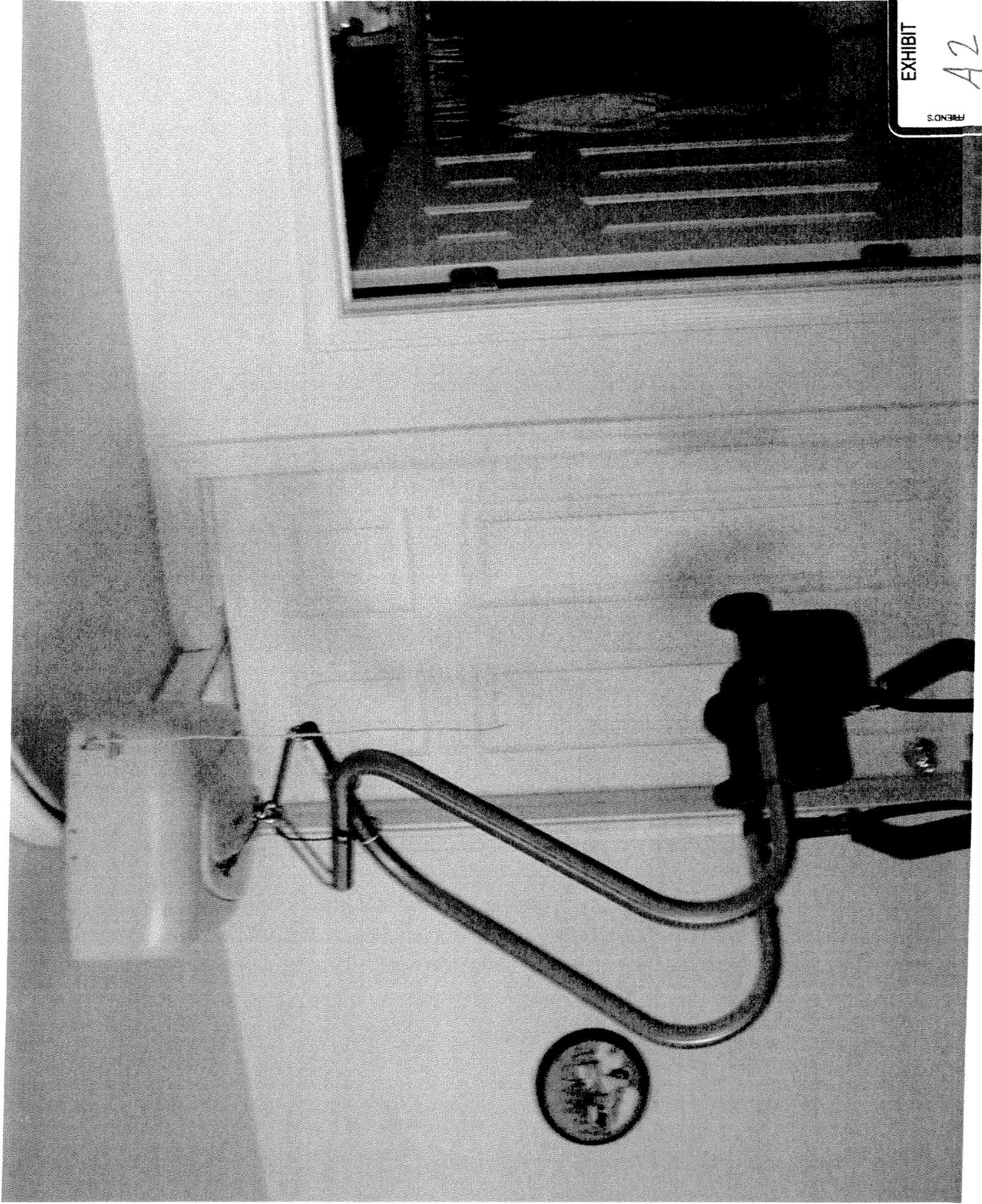
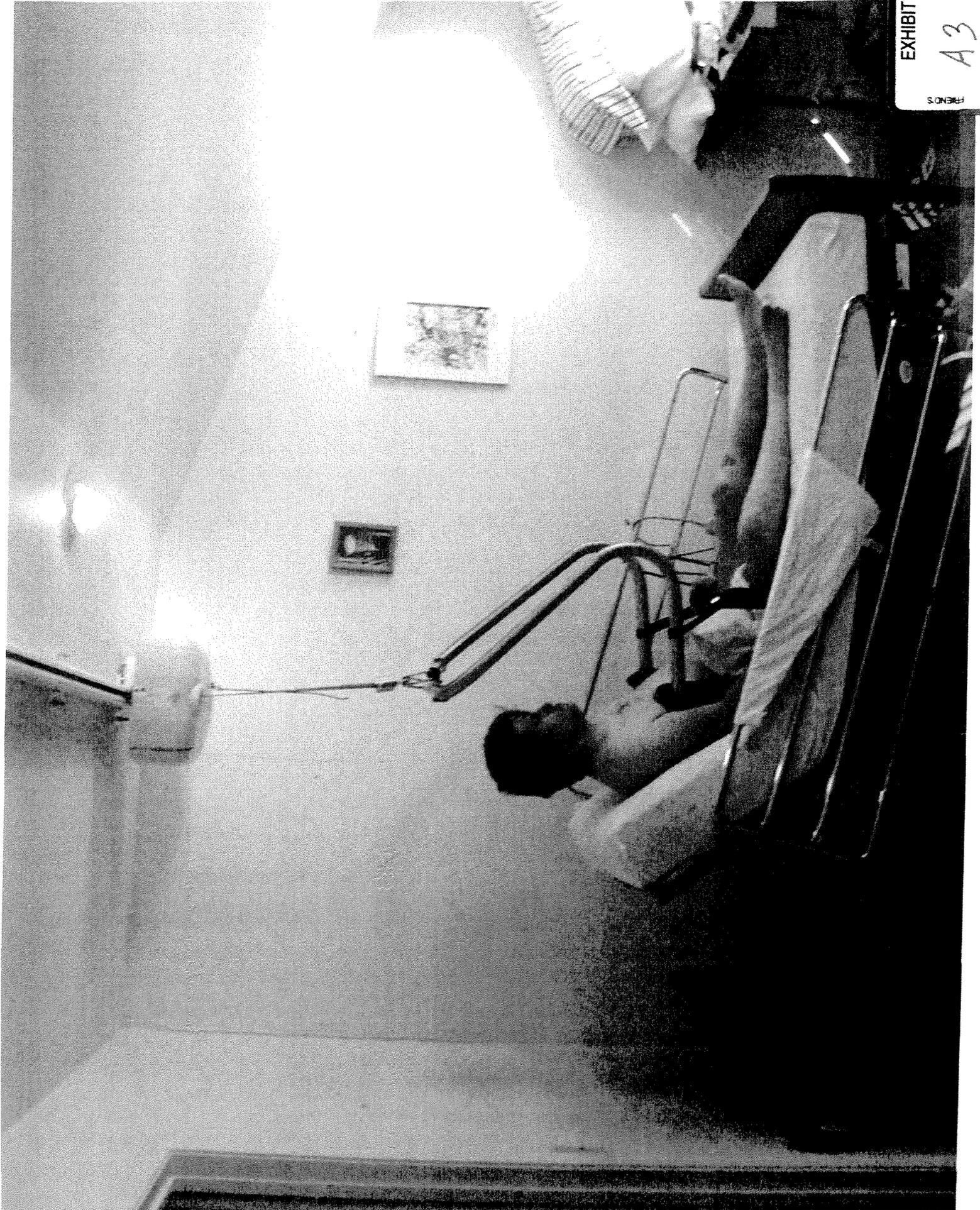


EXHIBIT  
A2  
FRIENDS





EXHIBIT

A3

FRENDS

EXHIBIT

A4

FRIENDS

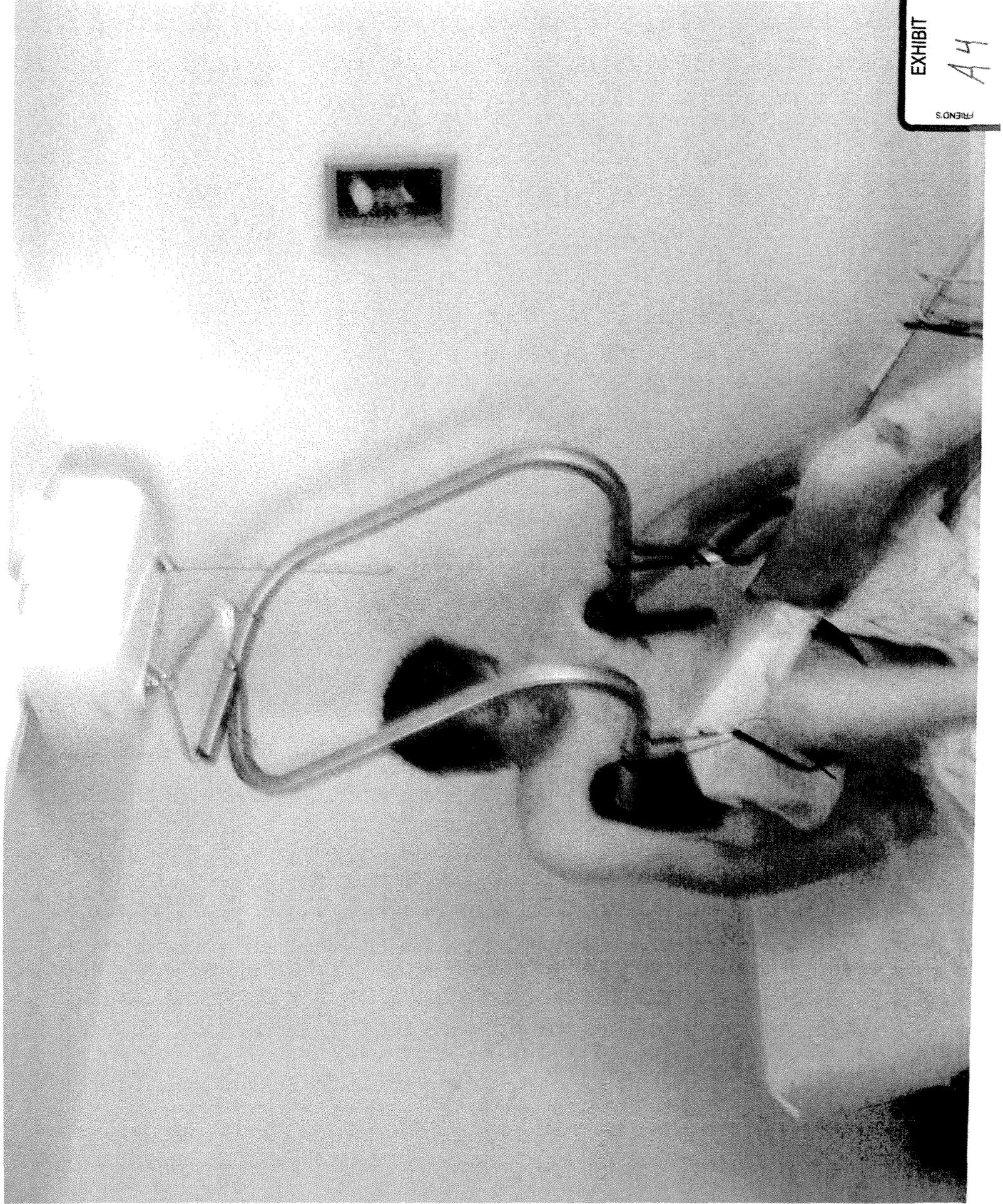
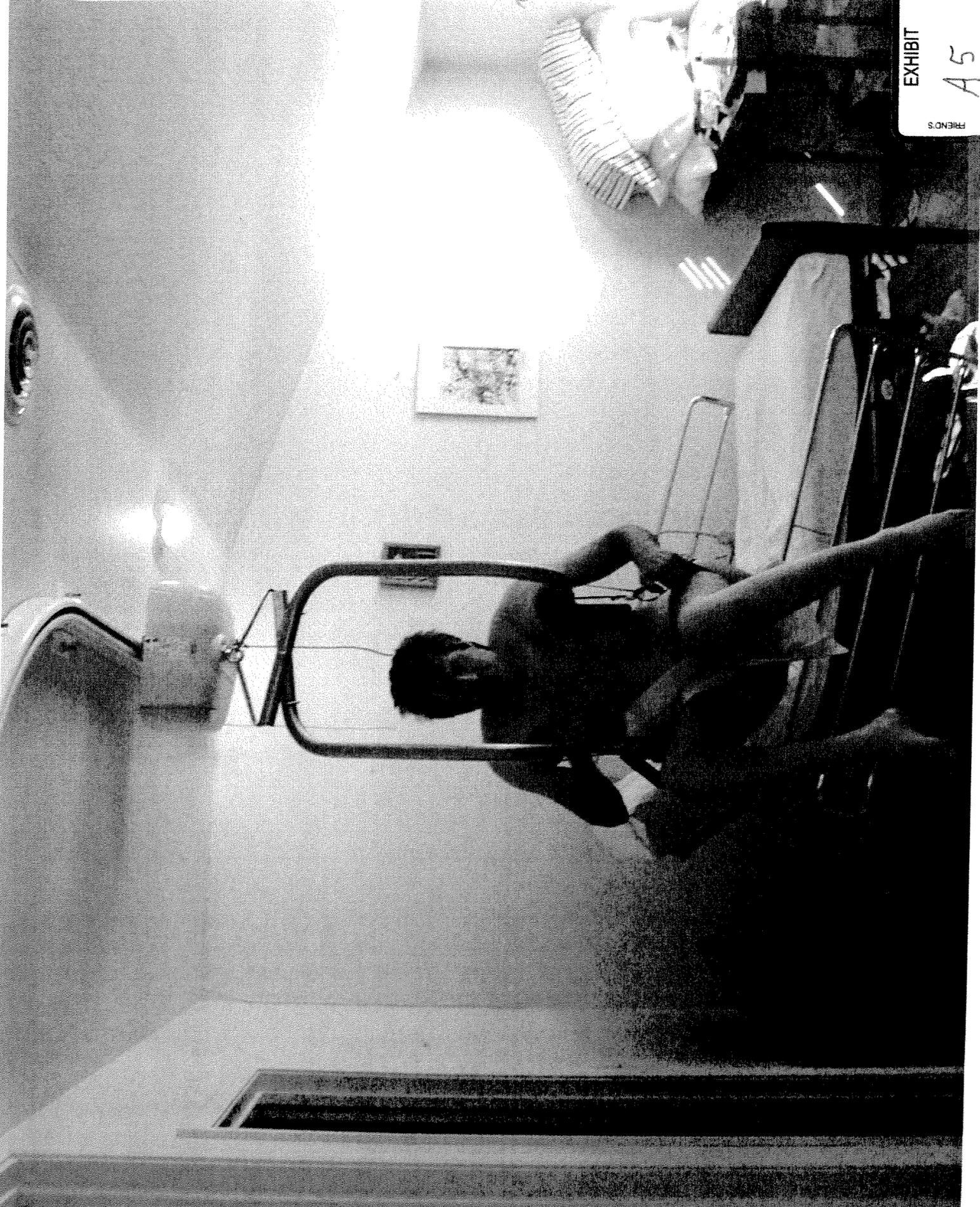


EXHIBIT  
A5  
FRIENDS





EXHIBIT

A6

FRENDS

EXHIBIT  
A7  
FRIENDS

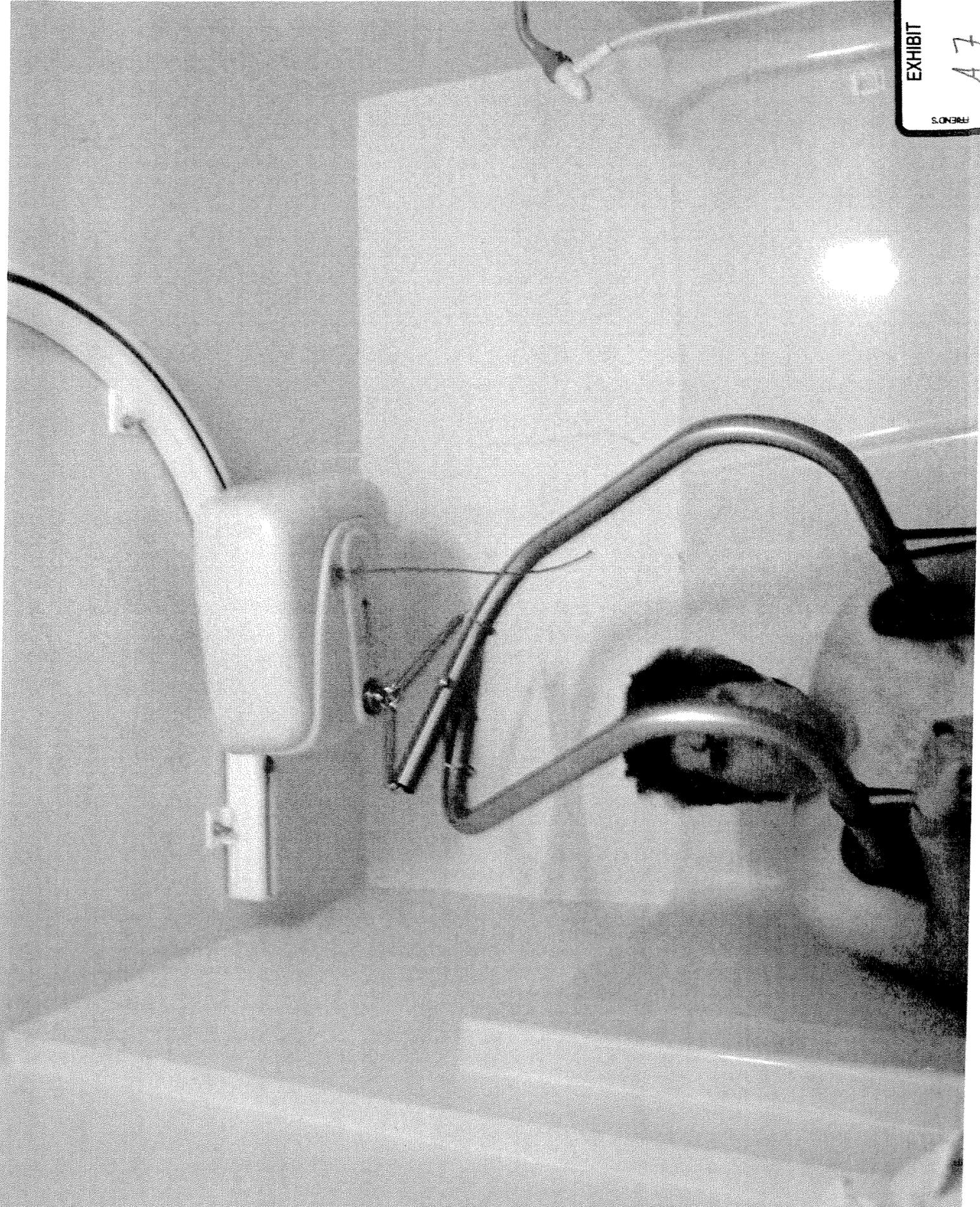
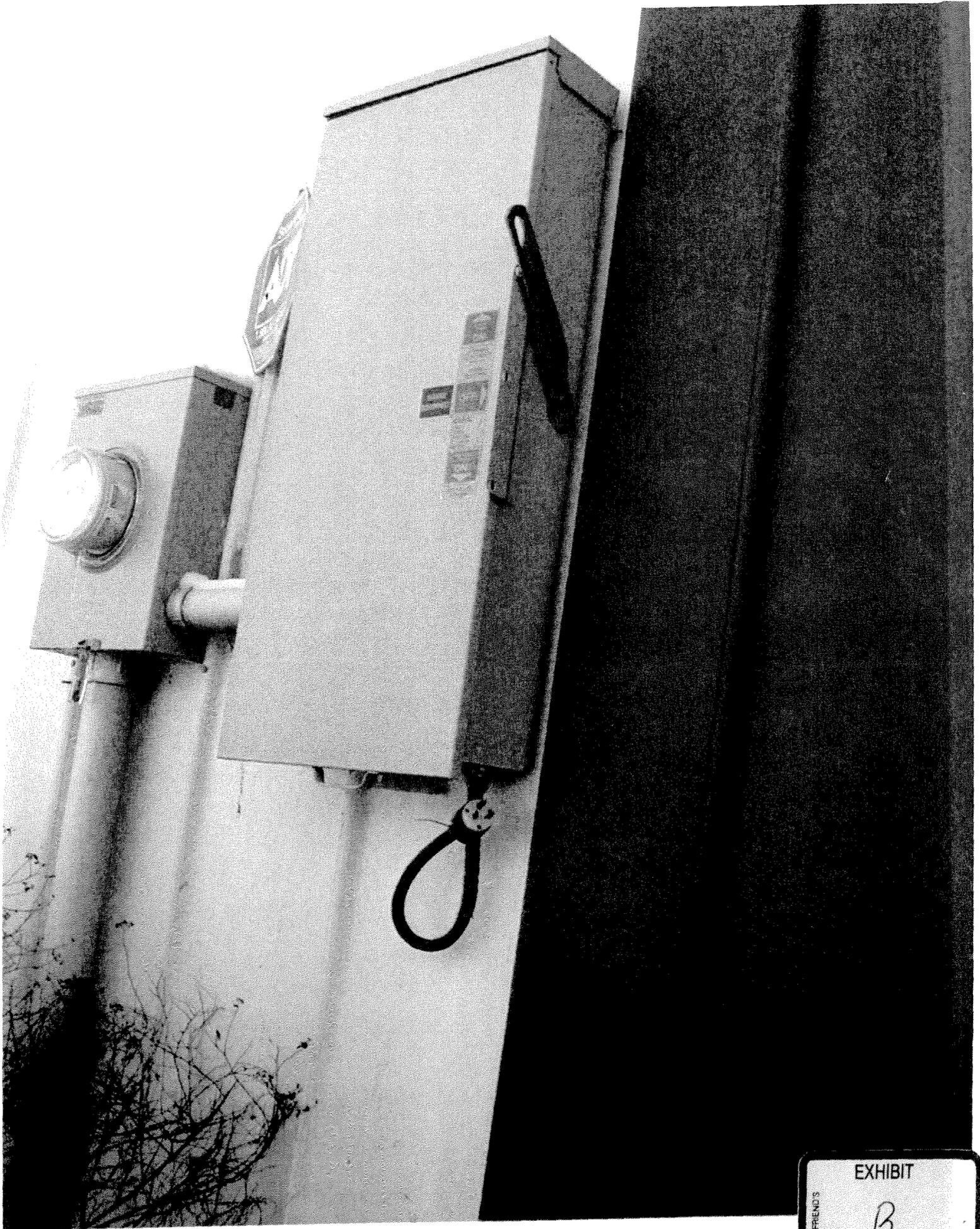




EXHIBIT  
A8  
FRIEND'S



EXHIBIT

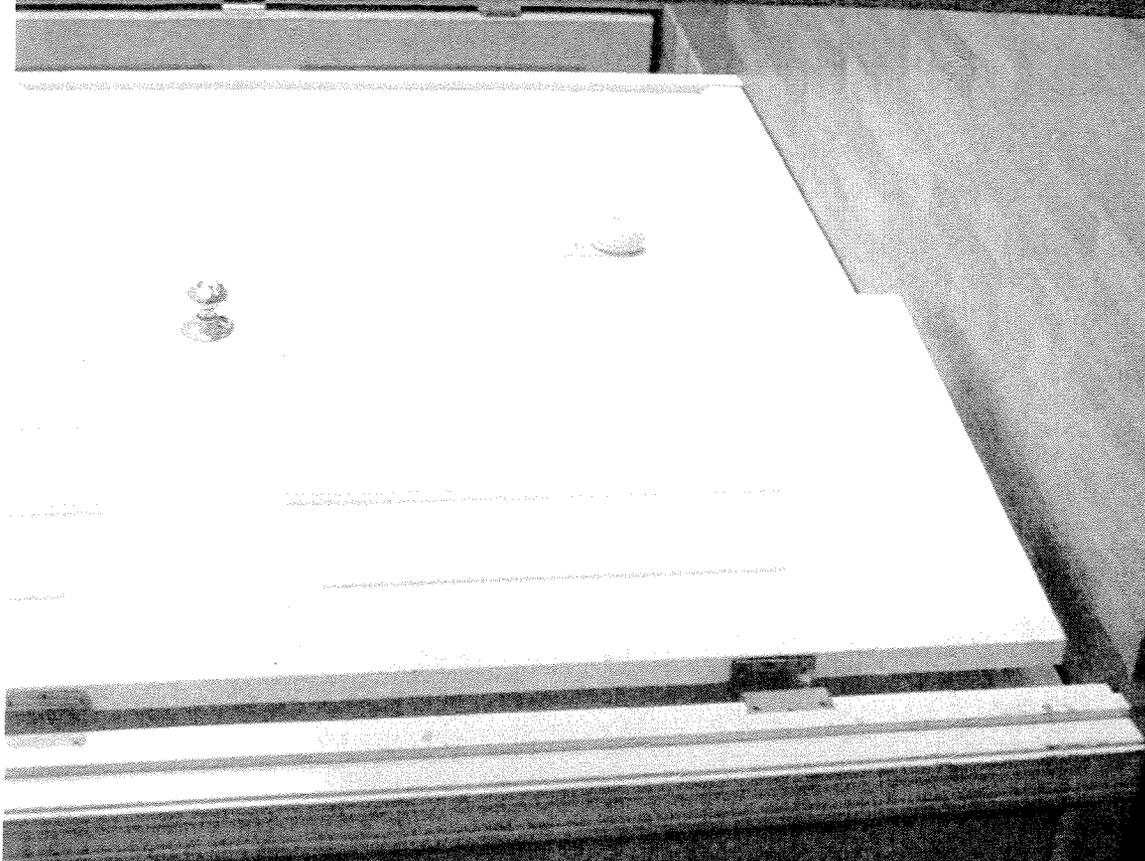
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FRIEND'S

EXHIBIT

C

FRENDS



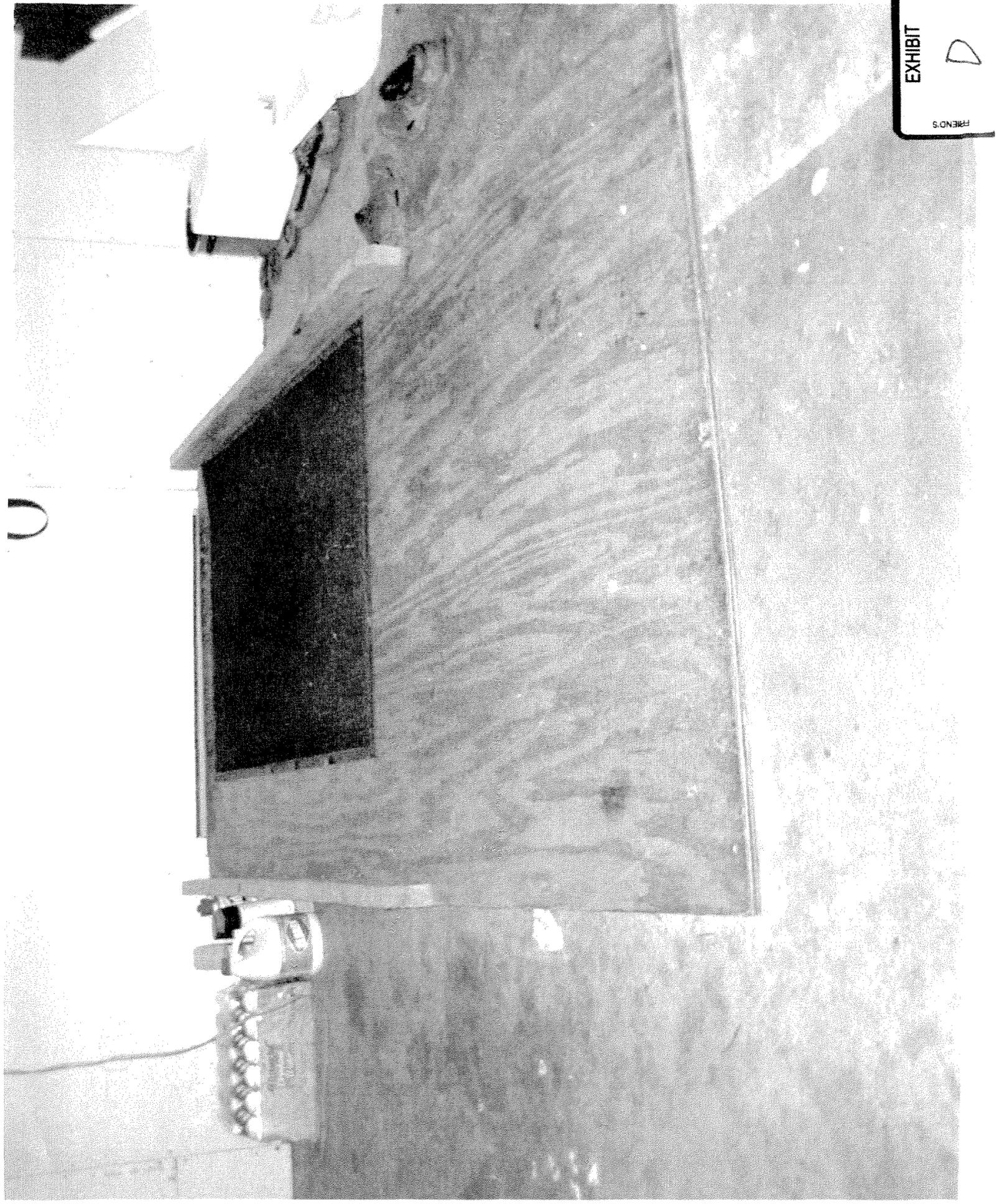


EXHIBIT  
D  
FRIENDS

U



Rod R. Blagojevich, Governor

Carol Adams, Ph.D.,

Division of Rehabilitation Services

Illinois Department of Human Services

Secretary

1307 N. Mattis Ave.

Champaign, IL 61821

Phone: 217-278-3500 Fax: 217-278-3508

January 23, 2008

Re: Anthony Becker

To Whom It May Concern:

This letter is being written at the request of and on behalf of Anthony Becker. Mr. Becker is a customer our agency's Home Services Program. As his counselor, I have been to his residence at 3205 Airport Rd, Urbana on numerous occasions. To the best of my knowledge, Mr. Becker and his live in caregiver moved to this residence due to the one level, open floor plan of this home and then made specific changes to increase accessibility.

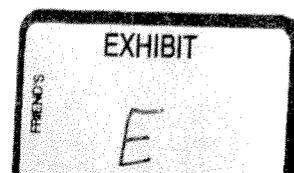
While at the residence, I have observed the high level of accessibility of the home for Mr. Becker and his caregiver. Changes, modifications and the open floor plan facilitate easy access and movement within the home and ease of transferring of Mr. Becker by his caregiver. The home has all hardwood floors, a ceiling track system from Mr. Becker's bedroom to/from the bathroom and a small ramp into the home. Doors in the home are wide enough to allow for the power chair easily in and out of all areas of the home. Outside the home, there is a long blacktop driveway which allows Mr. Becker to easily get outside of the home for outdoor activities.

This letter is being provided at Mr. Becker's request. He may choose to share the contents with other parties. I am unable to discuss any specifics of Mr. Becker's case or services without a signed release of information (signed by Mr. Becker).

Sincerely,

Karen Mannon, M.S. Ed., LCPC  
Rehabilitation Counselor Senior

km



**GWC**

**GOERING WRITING  
& CONSULTING  
2606 N. Highcross Road  
Urbana, IL 61802**

**Phone: 217-344-2301** MAR 05 2008

**e-mail: CHAMPAIGN CO. P & Z DEPARTMENT  
cgoering@uiuc.edu**

March 2, 2008

Champaign Planning and Zoning Dept.  
Brookens Center  
1776 E. Washington  
Urbana, IL 61801

To whom it may concern:

I, Carroll E. Goering and my wife, Carol A. Goering, own and reside on the property known as Lot 1 of Leonard's Farmettes, i.e, we are next door neighbors to Guadalupe Guzman (Lupe) and Anthony Becker (Tony) who own and reside on the property known as Lot 2 of Leonard's Farmettes. We are providing this letter because we will be in Seattle at the time of this hearing.

The purpose of this letter is to support both variances from the Champaign County Zoning Ordinance and the variance from the flood hazard ordinance. The need for the variances arose under the previous owners, the Rowe family. They lived in the house and used the two metal buildings on the property for storage purposes. Then a lady in their church and her two young children were left destitute when her husband committed suicide. The Rowe family took her and her two young children in; the Rowes used the metal building nearest their house to create an apartment for the destitute family and provided money for their living expenses. While these acts of the Rowe family were admirable, they also put the property on Lot 2 in violation with county ordinances.

Lupe and Tony were unaware of these problems when they bought the property from the Rowes. Tony is wheelchair bound and Lupe serves as his caregiver. They chose to live in the apartment because it is wheelchair accessible and the house is not. When Tony and Lupe discovered that they were in violation, they learned they would have to subdivide Lot 2 because only one dwelling is permitted per lot. They require the first two variances in connection with the subdividing. The third variance is required because the apartment doesn't meet the requirements of the special flood hazard ordinance. We recently had the worst flood in the 30 years that my wife and I have lived in our home and the apartment on Lot 2 was not flooded.

Tony and Lupe are attempting to solve a problem not of their making. It would create a big hardship if the requested variances were denied. Thus, we strongly urge approval of all three requests.

Sincerely,

*Carroll E. Goering  
Carol A. Goering*

Carroll E. Goering  
Carol A. Goering



WORKSHEET FOR PREPARING SOIL POTENTIAL RATINGS

Soil Use: Septic Tank Absorption Fields

Area: Champaign County, Illinois

Mapping Unit: Colo silty clay loam 402

Evaluation Factors	Soil and Site Conditions	Degree of Limitation	Effects On Use	Typical Corrective Measures		Typical Continuing Limitations	
				Kinds	Index	Kinds	Index
Flooding	Common (Floodplain position)	Severe	System Failure	Check Federal, State, & local laws Consult Engineer Special Design	65	System Maintenance	10
Depth to High Water Table (Ft)	+1.0-2.0	Severe	System Failure	Subsurface Drainage Locate Outlet	12 5	Possible Surfacing of Effluent	5
Permeability (IN/HR): (24-60")	0.6-2.0	Moderate	None	None 2/		None	
Slope (PCT)	0-2	Slight	None	None		None	
Total					82	Total	15

-85-

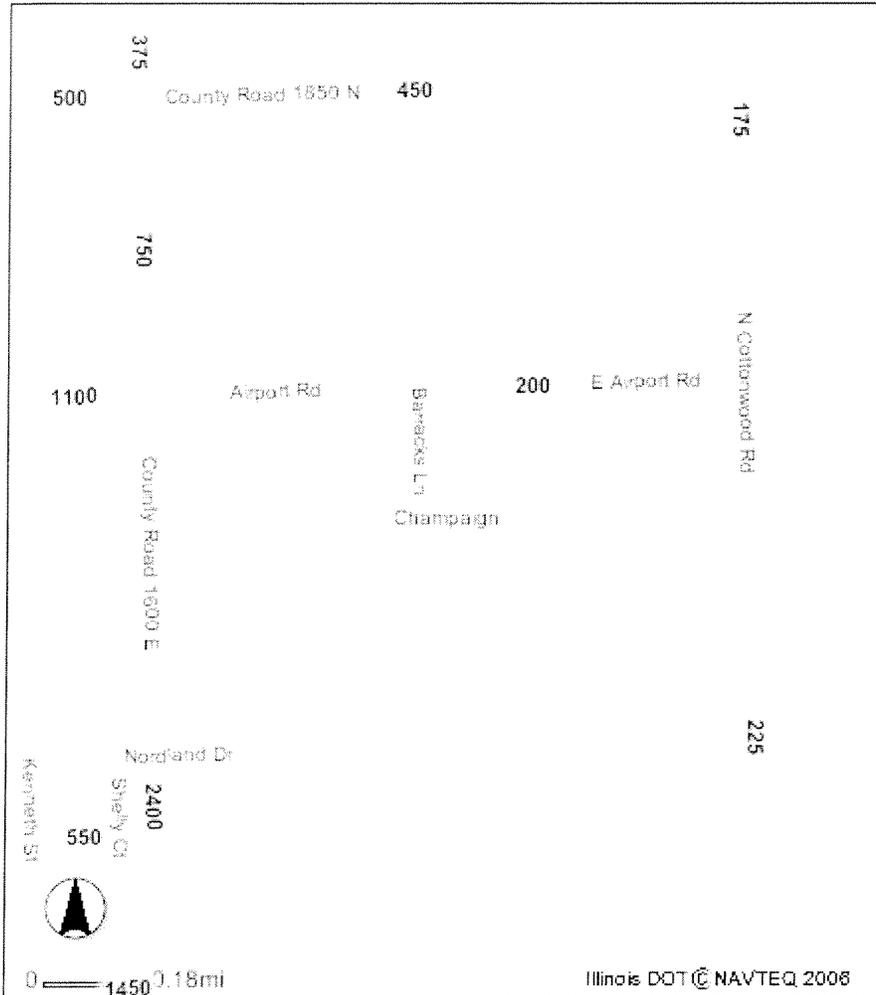
$$\frac{100}{\text{Performance Standard Index}} - \frac{82}{\text{Measure Cost Index}} = \frac{15}{\text{Continuing Limitation Cost Index}} = \frac{3}{\text{Soil Potential Index 1/}}$$

- 1/ If performance exceeds the standard increase SPI by that amount.
- 2/ Moderate permeability limitation is overcome with Special Design.



# Illinois Department of Transportation

Send to printer



Date: 3/7/2008

All rights reserved. Use subject to License/Copyright  
 Illinois Department of Transportation  
 2300 S. Dirksen Pky  
 Springfield, IL 62764

*PRELIMINARY DRAFT*

512-V-05

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

---

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

Date: March 13, 2008

Petitioners: Guadalupe Guzman, and Kent Follmer, attorney

Request: Authorize the division of a lot 2.784 acres in area in lieu of the requirement that a property be more than five acres in area to be divided in the CR Conservation-Recreation District

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. The Co-Petitioner, Guadalupe Guzman, owns the subject property.
- 2. The subject property is Lot 2 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the property at 3207 East Airport Road.
- \*3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in variance cases and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned CR Conservation-Recreation, and is in use as two single family dwellings, only one of which is currently occupied.
  - B. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.
  - C. Land to the north of the subject property is zoned AG-2 Agriculture and is in use as a single family dwelling.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

**PRELIMINARY DRAFT**

- \*5. The proposed site plan is the proposed plat for the Guzbeck Granja Subdivision. The subdivision plat shows the subject property, the existing structures, and the proposed division, as follows:
- A. Regarding the subject property as it current exists:
    - (1) It is a deep, narrow lot, 2.784 acres in area that fronts Airport Road approximately one mile from the corporate boundary of the City of Urbana.
    - (2) The rear lot line of the subject property is just past the centerline of the Saline Branch Drainage Ditch.
  - B. Regarding the existing structures, all three were constructed before the adoption of the Zoning Ordinance on October 10, 1973:
    - (1) There is an existing house that was originally intended to be used as the primary use of the lot. The house is located near the front of the property.
    - (2) There is a converted barn that was illegally converted to living space by the previous owner sometime before 2002, when staff became aware of it. This dwelling is located near the west lot line and 60 feet south of the existing house.
    - (3) There is a smaller storage shed located approximately 65 feet south of the converted barn.
  - C. Regarding the proposed division of the subject property:
    - (1) Lot 1 will consist of the majority of the existing lot; being 2.386 acres in area, and containing the converted barn and existing shed.
    - (2) Lot 2 will only be 0.361 acres in area and will only contain the existing house.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
    - (1) “AREA, LOT” is the total area within the LOT LINES.
    - (2) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
    - (3) “LOT DEPTH” is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
    - (4) “LOT LINES” are the lines bounding a LOT.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

- (5) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (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.
- (7) “YARD” is an OPEN SPACE, other than a COURT, of uniform 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.

B. As amended on August 19, 2004, subparagraph 5.4.2.A.3. states the following:

No lot that is 5 acres or less may be further divided.

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 9.1.9C. 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 9.1.9D.2.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

*PRELIMINARY DRAFT*

- D. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

*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 that, **“This property was selected and purchased by Mr. Guzman because the house in the rear was capable of being modified to accommodate Mr. Anthony Becker, a disabled veteran, who resided there with Mr. Guzman. Mr. Guzman intended to rent the front house and he did so for several months after he purchased it. Mr. Guzman recently evicted the former tenants by a legal proceeding. The front house is currently vacant.**

**Numerous improvement and accommodations have been made to the rear residence at 3205 E. Airport Road including lift and rail systems, ramps and doorways. These modifications were made to accommodate Mr. Becker, who was tragically injured in an automobile accident on December 14, 1998 wherein he lost the use of his legs and suffered substantial loss of use of his arms. These accommodations include a mechanical/electric lift installed into the structural components of the ceiling including rails from the bedroom, through a doorway into the bathroom to allow Mr. Becker to use the toilet and shower. See photographs attached, as Exhibits A1-A8. The lift and rail system was paid for by the United States Veterans Administration at a cost of approximately \$10,000.**

**There is a built-in electrical cord attached to the electric box on the exterior of the residence to allow for easy hook up to a gasoline-powered electric generator. See photographs attached a Exhibit B. In the event of a power outage, Mr. Becker’s livelihood will not be in jeopardy and he will still be able to travel to the bathroom by use of his electric lift, charge his electric wheel chair and the furnace will continue to operate so Mr. Becker can stay warm, which is critical for his health.**

**There is no carpet in the residence in the areas occupied by Mr. Becker to facilitate his use of his wheelchair on the hard wood floors. Doors are wide and ramps exist. See photographs attached as Exhibits C and D. The windows are lower than usual to allow Mr. Becker to open, to close and to view out of them.**

**The total value of the improvements made to the residence to accommodate Mr. Becker is approximately \$50,000.”**

- B. The subject property is located in a developing area near the corporate boundaries of the City of Urbana.

*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 that, **“Mr. Guzman purchased the subject property for \$271,000 on June 20, 2005 based upon representations made by the Sellers, Ken and Mary Rowe, and the listing realtors that the property including both residences was in compliance with all applicable city and county ordinances. Petitioner relied on the additional representations made by sellers, that 1) the front house could be legally rented while the residence in the rear was occupied and 2) that Sellers had no notice of any violation from the city or county concerning any violations zoning or otherwise. Petitioner later determined that these representations were false. A lawsuit is now pending in Champaign County Illinois based upon these false representations where Mr. Guzman is plaintiff and the Rowes are defendants. See Champaign County Case number 06-LM-639. This case is currently stagnant until the issues with the city and county are resolved in order to quantify Mr. Guzman’s damages resulting from the misrepresentations.**

**Mr. Guzman is under contract with the State of Illinois Department of Human Services to provide home care to Mr. Becker. The contract requires 302.50 hours per month of personal services to include preparation of meals, eating, grooming, dressing, transferring, cleaning, etc. The residence was inspected in January 2008, by the Department of Human Services and the residence was determined to be appropriate in all respects for Mr. Becker. See a letter from Ms. Karen Mannon, Mr. Becker’s Rehabilitation Counselor with the Illinois Department of Human Services, attached as Exhibit E.**

**If the variance is not granted, Mr. Guzman will not be able to comply with these legal obligations to Mr. Becker and Mr. Becker will be in desperate need of a residence appropriate for him to survive. The front residence is not appropriate for Mr. Becker for several reasons and would require substantial modification. The cost to modify the front residence to accommodate Mr. Becker would exceed \$50,000 and Mr. Guzman would lose substantial rental income from the front residence.**

**Mr. Becker’s quality of life is enhanced as a result of the accommodations previously completed to the residence and further, he obtains much satisfaction from living in close proximity to the numerous animals located in close proximity to the rear residence.**

**Adjacent land is not available to increase lot width and all lots along the south side of Airport Road near the subject property are not in compliance with the required 200’ minimum lot width.**

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

*PRELIMINARY DRAFT*

**Had Champaign County enforced its ordinances with the prior owner, Mr. Rowe in 2002, three years before Mr. Guzman's purchase, Mr. Guzman would not be petitioning for a variance because he would not have purchased it.**

**If the county intends to enforce the provisions of the county zoning ordinances to the strict letter of the law upon petitioner, fundamental principals of fairness and due process require it to also enforce county zoning ordinances with respect to the adjacent owners who are in known violation or other county ordinances, i.e. commercial use in a CR district."**

- B. Purchase of additional land to bring the lot area up to more than five acres is not possible because all adjacent land has been developed as single family dwellings.

***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 that, **"Absolutely not. See answers above. Mr. Guzman would not have purchased this property, he would not have improved the residence for Mr. Becker and Mr. Becker would not be living at 3205 E. airport Road had Mr. Guzman known of the violations to which he now seeks variances."**
- B. Regarding the history of the subject property:
- (1) Staff first received a complaint regarding the subject property in January 2002.
  - (2) Staff discovered an accessory storage structure had been converted into a dwelling creating a lot with two single family dwellings on it. Staff sent a First Notice to the then owners of the subject property, Kenneth and Margaret Rowe on March 18, 2002. Mr. Rowe contacted the Department to determine what action was necessary to correct the violation.
  - (3) The enforcement case was discussed at the Environment and Land Use Committee (ELUC) in April 2002, but action was deferred due to a change in Zoning Administrators and the Comprehensive Zoning Review Cases 344-AT-02 and 352-AT-02 which were withdrawn in August 2003 and replaced.
  - (4) ELUC considered amending the Zoning Ordinance to allow two single family dwellings on a lot but finally decided against amending the Zoning Ordinance to allow two dwellings on a single lot at the January 10, 2005, ELUC meeting. For some reason, there was no follow up with the Rowe's enforcement case following the ELUC decision.
  - (5) Mr. Guzman apparently contacted the Department after purchasing the property in June 2005. Staff reserved a docket space for Mr. Guzman on July 1, 2005, and a notice of violation was mailed on October 13, 2005.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

(6) The Petitioners submitted their applications for variance on January 24, 2008. They filed the necessary documents for subdivision with the City of Urbana on January 25, 2008.

C. Leonard's Farmett's Subdivision was platted in October 1959.

**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 that, **"The past, current and intended use of the property is single family dwelling and agricultural including Accessory Uses, which is consistent and in harmony with the zoning ordinance, as set forth by Section 5.1 Table of Authorized Principal USES."**

B. The subject property conforms to all other Zoning Requirements.

C. The Zoning Ordinance does not clearly state the considerations that underlay the restriction on division of lots that are 5 acres or less. This amendment resulted from zoning Case 466-AT-04 and so is related to the County's desire to limit the number of new lots in the rural areas. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is the primary method by which Champaign County limits the number of new lots in the rural zoning districts. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District. Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:

- (1) Adequacy and safety of roads providing access to the site.
- (2) Effects on drainage both upstream and downstream..
- (3) The suitability of the site for onsite wastewater systems.
- (4) The availability of water supply to the site.
- (5) The availability of emergency services to the site.
- (6) The flood hazard status of the site.
- (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat.
- (8) The presence of nearby natural or man-made hazards.
- (9) Effects on nearby farmland and farm operations.
- (10) Effects of nearby farm operations on the proposed residential development.
- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.
- (12) The LESA (Land Evaluation and Site Assessment) score of the subject site.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

**PRELIMINARY DRAFT**

D. Regarding the RRO factors for the subject property:

- (1) Adequacy and safety of roads providing access to the site. Without the proposed variance only one dwelling could be permitted on the subject property. With the variance two dwellings could be permitted, which would lead to an increase of approximately 10 ADT for Airport Road.

The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* are general design guidelines for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates the following pavement widths for the following traffic volumes measured in Average Daily Traffic (ADT):

- (a) A local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
  - (b) A local road with a pavement width of 18 feet has a recommended maximum ADT of no more than 250 vehicle trips.
  - (c) A local road with a pavement width of 20 feet has a recommended maximum ADT between 250 and 400 vehicle trips.
  - (d) A local road with a pavement width of 22 feet has a recommended maximum ADT of more than 400 vehicle trips.
- (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Annual Average Daily Traffic (AADT). The most recent (2006) AADT data in the vicinity of the subject property is 200 ADT for Airport Road in front of the subject property.
  - (2) Effects on drainage both upstream and downstream. The subject property is located adjacent to the Saline Drainage Ditch.
  - (3) The suitability of the site for onsite wastewater systems. There is no Natural Resource Report for the subject property but the Soil Survey indicates that the subject property likely consists of Sawmill silty clay loam, map unit 3107A, (formerly Colo silty clay loam, map unit 402).

The pamphlet *Soil Potential Ratings For Septic Tank Absorption Fields Champaign County, Illinois*, is a report that indicates the relative potential of the various soils in Champaign County for use with subsurface soil absorption wastewater systems (septic tank leach fields). The pamphlet reviews 60 different soils that have potential ratings (indices) that range from 103 (very highest suitability) to 3 (the lowest suitability). Excerpts from this pamphlet were included for the soils on the subject property as

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

attachments to the Preliminary Memorandum. The excerpts indicate that these soils have the following general characteristics:

3107A Sawmill silty clay loam has Very Low suitability for septic tank leach fields with a soil potential index of 3. Sawmill soil has a severe flooding problem due to a high groundwater level. It has moderate permeability and only a slight problem due to slope. The typical corrective measures are subsurface drainage improvements (underground drain tiles) to lower the groundwater level and special design to deal with the flooding. There are no soil types in Champaign County that have lower suitability potential than Sawmill.

- (4) The availability of water supply to the site. The subject property is not in the area of limited groundwater availability and there is no evidence to date that there is a groundwater supply problem in this development. The proposed subdivision should have little or no affect on water availability.
- (5) The availability of emergency services to the site. The subject property is approximately one and one-half miles from the Carroll Fire District station.
- (6) The flood hazard status of the site. The subject property is within the Special Flood Hazard Area and is seeking a Floodplain Variance in related Case 606-FV-08.
- (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat. The subject property contains no historic or archeological sites, and the proposed subdivision would have no effect on such sites.
- (8) The presence of nearby natural or man-made hazards. There are no known man-made hazards nearby.
- (9) Effects on nearby farmland and farm operations. The proposed subdivision is located in a predominantly residential area and there should be little to no effects on nearby farms or farm operations.
- (10) Effects of nearby farm operations on the proposed residential development. The proposed subdivision is located in a predominantly residential area.
- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated. The proposed subdivision does not proposed to take any current farmland out of production.
- (12) The LESA (Land Evaluation and Site Assessment) score of the subject site. Because there is no Natural Resource Report for the subject property staff has not calculated a LESA score at this time.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

*PRELIMINARY DRAFT*

- D. It is impossible to calculate the percent variance mathematically but for practical purposes the requested variance is a 100% variance.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

*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 that, **“The variances requested do not in any way involve or interfere with the use of any neighboring property and will in no way be detrimental to the public health, safety and welfare.”**
  - B. The Township Road Commissioner has received notice of this variance but no comments have been received.
  - C. The Fire Protection District has been notified of this variance but no comments have been received.

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

**DOCUMENTS OF RECORD**

1. Variance Application from Guadalupe Guzman and Kent Follmer, attorney, received on January 24, 2008, with attachments:
  - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)
  - B Letter from Karen Mannon, dated January 23, 2008
  
2. Preliminary Memorandum for Case 512-V-05, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Plat of Guzbeck Granja Subdivision received on January 24, 2008
  - C Letter from Carroll E. Goering, received on March 5, 2008
  - D Excerpt of Champaign County Soil Survey
  - E Excerpt of Soil Potential Ratings for Septic Tank Absorption Fields for Champaign County, Illinois
  - F Traffic Map from Illinois Department of Transportation website
  - G Draft Summary of Evidence for Case 592-V-07

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **512-V-05** held on **March 13, 2008**, 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW;}***

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

**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 of 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 **592-V-07** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Guadalupe Guzman and Kent Follmer, attorney**, to authorize **the division of a lot 2.784 acres in area in lieu of the requirement that a property be more than five acres in area to be divided in the CR Conservation-Recreation District.**

*{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:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals  
Date

\*Same evidence as in related Zoning Cases 513-V-05 & 606-FV-08

# CASE NO. 513-V-05

PRELIMINARY MEMORANDUM

March 7, 2008

Champaign  
County  
Department of

Petitioners: **Guadalupe Guzman and  
Kent Follmer, attorney**

Request: **Authorize the following in the  
CR Conservation-Recreation District:**

**PLANNING &  
ZONING**

Site Area: **0.361 acres**

Time Schedule for Development:  
**Immediate**

**A. The use of a lot 0.361 acres in area in lieu of the required area of 1 acre and an average lot width of 115 feet in lieu of the required average lot width of 200 feet.**

**B. The use of an existing dwelling with a side yard of 12 feet in lieu of the required side yard of 15 feet.**

Location: **Proposed Lot 2 of Guzbeck Granja Subdivision in Section 2 of Urbana Township and commonly known as the house at 3207 East Airport Road.**

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

(217) 384-3708

FAX (217) 328-2426

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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## BACKGROUND

For Background see the Preliminary Memorandum for Case 512-V-05

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Urbana. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases. The Petitioners have also applied for a subdivision plat with city that is related to this case and Case 512-V-05.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Dwelling	CR Conservation-Recreation
North	Single Family Dwelling	AG-2 Agriculture
East	Single Family Dwelling	CR Conservation-Recreation
West	Single Family Dwelling	CR Conservation-Recreation
South	Single Family Dwelling	CR Conservation-Recreation

## ATTACHMENTS

For all attachments see the Preliminary Memorandum for related Case 512-V-05

*PRELIMINARY DRAFT*

513-V-05

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

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

Date: March 7, 2008

Petitioners: Guadalupe Guzman and Kent Follmer, attorney

Request: Authorize the following in the CR Conservation-Recreation District:

- A. The use of a lot 0.361 acres in area in lieu of the required area of 1 acre and an average lot width of 115 feet in lieu of the required average lot width of 200 feet.
- B. The use of an existing dwelling with a side yard of 12 feet in lieu of the required side yard of 15 feet.

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. The Co-Petitioner, Guadalupe Guzman, owns the subject property.
- 2. The subject property is proposed Lot 2 of Guzbeck Granja Subdivision in Section 2 of Urbana Township and commonly known as the house at 3207 East Airport Road..
- \*3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in variance cases and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned CR Conservation-Recreation, and is in use as two single family dwellings, only one of which is currently occupied.
  - B. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

**PRELIMINARY DRAFT**

- C. Land to the north of the subject property is zoned AG-2 Agriculture and is in use as a single family dwelling.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

- \*5. The proposed site plan is the proposed plat for the Guzbeck Granja Subdivision. The subdivision plat shows the subject property, the existing structures, and the proposed division, as follows:
  - A. Regarding the subject property as it current exists:
    - (1) It is a deep, narrow lot, 2.784 acres in area that fronts Airport Road approximately one mile from the corporate boundary of the City of Urbana.
    - (2) The rear lot line of the subject property is just past the centerline of the Saline Branch Drainage Ditch.
  - B. Regarding the existing structures, all three were constructed before the adoption of the Zoning Ordinance on October 10, 1973:
    - (1) There is an existing house that was originally intended to be used as the primary use of the lot. The house is located near the front of the property.
    - (2) There is a converted barn that was illegally converted to living space by the previous owner sometime before 2002, when staff became aware of it. This dwelling is located near the west lot line and 60 feet south of the existing house.
    - (3) There is a smaller storage shed located approximately 65 feet south of the converted barn.
  - C. Regarding the proposed division of the subject property:
    - (1) Lot 1 will consist of the majority of the existing lot; being 2.386 acres in area, and containing the converted barn and existing shed.
    - (2) Lot 2 will only be 0.361 acres in area and will only contain the existing house.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
    - (1) "AREA, LOT" is the total area within the LOT LINES.
    - (2) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

- (3) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (4) “NONCONFORMING LOT, STRUCTURE, or USE” is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (5) “PUBLIC SANITARY SEWER SYSTEM” is any system, other than an individual septic tank or tile field that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of liquid and solid sewage wastes, other than storm waters.
- (6) “PUBLIC WATER SUPPLY SYSTEM” is any system, other than an individual well, that is operated by a municipality, governmental agency, or a public utility for the purpose of furnishing potable water.
- (7) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (8) “STREETS” are 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 STREETS” are Federal or State highways.
  - (b) “COLLECTOR STREETS” are COUNTY highways and urban arterial STREETS.
  - (c) “MINOR STREETS” are Township roads and other local roads.
- (9) “STRUCTURE, MAIN or PRINCIPAL” is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (10) “YARD” is an OPEN SPACE, other than a COURT, of uniform 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.
- (11) “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. In the *Zoning Ordinance*, the minimum required lot area for the CR, Conservation-Recreation District is determined by Section 5.3 and Subsection 4.3.4 as follows:

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

**PRELIMINARY DRAFT**

- (1) Section 5.3 of the Ordinance requires lots in the CR Conservation-Recreation District to be a minimum of one acre in area. Footnote 12 is a general footnote for this section that states the following:

The provisions of this Section (5.3) notwithstanding, all LOTS shall comply with the provisions of Section 4.3.4.
  - (2) Section 4.3.4 requires lots created after September 21, 1993 and that are not connected to a public sanitary sewer system or a public water supply system to have a lot area of at least 30,000 square feet. Since the requirements of Section 5.3 are more stringent the minimum required lot are in the CR District is one acre.
- 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 9.1.9C. 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 9.1.9D.2.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

*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 that, **“This property was selected and purchased by Mr. Guzman because the house in the rear was capable of being modified to accommodate Mr. Anthony Becker, a disabled veteran, who resided there with Mr. Guzman. Mr. Guzman intended to rent the front house and he did so for several months after he purchased it. Mr. Guzman recently evicted the former tenants by a legal proceeding. The front house is currently vacant.**

**Numerous improvement and accommodations have been made to the rear residence at 3205 E. Airport Road including lift and rail systems, ramps and doorways. These modifications were made to accommodate Mr. Becker, who was tragically injured in an automobile accident on December 14, 1998 wherein he lost the use of his legs and suffered substantial loss of use of his arms. These accommodations include a mechanical/electric lift installed into the structural components of the ceiling including rails from the bedroom, through a doorway into the bathroom to allow Mr. Becker to use the toilet and shower. See photographs attached, as Exhibits A1-A8. The lift and rail system was paid for by the United States Veterans Administration at a cost of approximately \$10,000.**

**There is a built-in electrical cord attached to the electric box on the exterior of the residence to allow for easy hook up to a gasoline-powered electric generator. See photographs attached a Exhibit B. In the event of a power outage, Mr. Becker’s livelihood will not be in jeopardy and he will still be able to travel to the bathroom by use of his electric lift, charge his electric wheel chair and the furnace will continue to operate so Mr. Becker can stay warm, which is critical for his health.**

**There is no carpet in the residence in the areas occupied by Mr. Becker to facilitate his use of his wheelchair on the hard wood floors. Doors are wide and ramps exist. See photographs attached as Exhibits C and D. The windows are lower than usual to allow Mr. Becker to open, to close and to view out of them.**

**The total value of the improvements made to the residence to accommodate Mr. Becker is approximately \$50,000.”**

- B. Regarding Part A of the proposed variance:
- (1) The Petitioners wish to use the existing house separately from the rest of the property but want to retain as regular lot lines as are possible without making any portion of the exiting lot landlocked.
  - (2) Proposed Lot 2 of Guzbeck Granja Subdivision is as big as it can be without very irregular lot lines or making access to Lot 1 problematic.

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

*PRELIMINARY DRAFT*

- C. Regarding Part B of the proposed variance, the existing house was constructed before the adoption of the *Zoning Ordinance* on October 10, 1973, before the minimum requirement for side yards came into effect.

*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 that, **“Mr. Guzman purchased the subject property for \$271,000 on June 20, 2005 based upon representations made by the Sellers, Ken and Mary Rowe, and the listing realtors that the property including both residences was in compliance with all applicable city and county ordinances. Petitioner relied on the additional representations made by sellers, that 1) the front house could be legally rented while the residence in the rear was occupied and 2) that Sellers had no notice of any violation from the city or county concerning any violations zoning or otherwise. Petitioner later determined that these representations were false. A lawsuit is now pending in Champaign County Illinois based upon these false representations where Mr. Guzman is plaintiff and the Rowes are defendants. See Champaign County Case number 06-LM-639. This case is currently stagnant until the issues with the city and county are resolved in order to quantify Mr. Guzman’s damages resulting from the misrepresentations.**

**Mr. Guzman is under contract with the State of Illinois Department of Human Services to provide home care to Mr. Becker. The contract requires 302.50 hours per month of personal services to include preparation of meals, eating, grooming, dressing, transferring, cleaning, etc. The residence was inspected in January 2008, by the Department of Human Services and the residence was determined to be appropriate in all respects for Mr. Becker. See a letter from Ms. Karen Mannon, Mr. Becker’s Rehabilitation Counselor with the Illinois Department of Human Services, attached as Exhibit E.**

**If the variance is not granted, Mr. Guzman will not be able to comply with these legal obligations to Mr. Becker and Mr. Becker will be in desperate need of a residence appropriate for him to survive. The front residence is not appropriate for Mr. Becker for several reasons and would require substantial modification. The cost to modify the front residence to accommodate Mr. Becker would exceed \$50,000 and Mr. Guzman would lose substantial rental income from the front residence.**

**Mr. Becker’s quality of life is enhanced as a result of the accommodations previously completed to the residence and further, he obtains much satisfaction from living in close proximity to the numerous animals located in close proximity to the rear residence.**

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

Adjacent land is not available to increase lot width and all lots along the south side of Airport Road near the subject property are not in compliance with the required 200' minimum lot width.

Had Champaign County enforced its ordinances with the prior owner, Mr. Rowe in 2002, three years before Mr. Guzman's purchase, Mr. Guzman would not be petitioning for a variance because he would not have purchased it.

If the county intends to enforce the provisions of the county zoning ordinances to the strict letter of the law upon petitioner, fundamental principals of fairness and due process require it to also enforce county zoning ordinances with respect to the adjacent owners who are in known violation or other county ordinances, i.e. commercial use in a CR district."

- B. Regarding Part A, the subject property is as large as the Petitioner can make it without moving existing buildings.
- C. Regarding Part B, purchasing additional land to move the existing lot line and increase the side yard is not possible because all the land surrounding the subject property has been developed.

**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 that, **"Absolutely not. See answers above. Mr. Guzman would not have purchased this property, he would not have improved the residence for Mr. Becker and Mr. Becker would not be living at 3205 E. airport Road had Mr. Guzman known of the violations to which he now seeks variances."**
  - B. The Petitioner purchased the subject property in its current configuration.
  - C. Regarding Part A, due to the position of existing buildings, the subject property is as large as it can be without having irregular lot lines.

**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 that, **"The past, current and intended use of the property is single family dwelling and agricultural including Accessory Uses, which is consistent and in harmony with the zoning ordinance, as set forth by Section 5.1 Table of Authorized Principal USES."**

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

*PRELIMINARY DRAFT*

- B. Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for both the minimum lot area requirement and the minimum average lot width requirement, other considerations are as follows:
- (1) Adequate light and air: The existing buildings in their current configuration have existed on the subject property since before the adoption of the *Zoning Ordinance*.
  - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Carroll Fire Protection District and the station is approximately one and one half road miles distant.
  - (3) Aesthetics may also play a part in the minimum lot area requirement.
- E. The subject property represents the following amounts of variance:
- (1) The proposed lot area of 0.361 acres is 36.1% of the required one acre lot area for a variance of 63.9%.
  - (2) The proposed lot width of 115 feet is 57.5% of the required 200 feet for a variance of 42.5%.
- G. Reducing the amount of variance is one way to ensure that any variance is more in harmony with the general intent and purpose of the Ordinance. The proposed lot is as large as is practical given the desire for regular lot lines.
- H. The requested variances are not prohibited by the *Zoning Ordinance*.

*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 that, **“The variances requested do not in any way involve or interfere with the use of any neighboring property and will in no way be detrimental to the public health, safety and welfare.”**
  - B. The Petitioner is not proposing to alter the property or its use except to make the use of the two existing dwellings conforming, and the uses on this property are long standing with no record of complaints against them, except for the complaints that resulted in these Zoning Cases.
  - C. The Fire Protection District has received notice of this variance but no comments have been received.

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

- D. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

**DOCUMENTS OF RECORD**

1. Variance Application from Guadalupe Guzman and Kent Follmer, attorney, received on January 24, 2008, with attachments:
  - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)
  - B Letter from Karen Mannon, dated January 23, 2008
2. Preliminary Memorandum for Case 513-V-05

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **513-V-05** held on **March 13, 2008**, 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

\*Same evidence as in related Zoning Cases 512-V-05 & 606-FV-08

**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 of 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 **513-V-05** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **Guadalupe Guzman and Kent Follmer, attorney**, to authorize the following:

**In the CR Conservation-Recreation District:**

- A. The use of a lot 0.361 acres in area in lieu of the required area of 1 acre and an average lot width of 115 feet in lieu of the required average lot width of 200 feet.**
- B. The use of an existing dwelling with a side yard of 12 feet in lieu of the required side yard of 15 feet.**

*{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:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals  
Date

# CASE NO. 606-FV-08

PRELIMINARY MEMORANDUM

March 7, 2008

Champaign  
County  
Department of

Petitioners: **Gualdalupe Guzman and  
Kent Follmer, agent**

**PLANNING &  
ZONING**

Site Area: **2.784 acres**

Time Schedule for Development:  
**N/A**

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

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

(217) 384-3708  
FAX (217) 328-2426

Request: **Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation.**

Location: **Lot 2 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road.**

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## BACKGROUND

See Preliminary Memorandum for Case 512-V-05 for background of this case.

## FLOODPLAIN VARIANCE REQUIREMENTS

As amended on February 6, 2003, the *Champaign County Special Flood Hazard Areas Ordinance (SFHA Ordinance)* requires a public hearing and recommendation by the Champaign County Zoning Board of Appeals (ZBA) for any proposed variance with the final determination by the Champaign County Board. The *SFHA Ordinance* also identifies seven conditions that must be met for any requested variance. See the Summary of Evidence. The ZBA can recommend any condition it determines necessary in order to meet the required conditions.

## ATTACHMENTS

- A Excerpt from Flood Insurance Rate Map No. 1708940125B
  - B Draft Finding of Fact for Case 606-FV-08
- (see also attachments to Preliminary Memorandum for Case 512-V-05)

1" = 2,000'

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM**  
FLOOD INSURANCE RATE MAP

COUNTY OF  
**CHAMPAIGN,**  
**ILLINOIS**  
(UNINCORPORATED AREAS)

PANEL 125 OF 300

COMMUNITY-PANEL NUMBER  
170894 0125 B

EFFECTIVE DATE:  
MARCH 1, 1984



Federal Emergency Management Agency

22

23

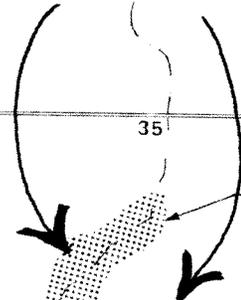


ZON

27

26

*Zoning Case 546-AM-06*  
*Area of*  
*Brickhouses Road Sub.*



ZONE A

34

35

*SUBJECT PROPERTY*

ZONE C

*Area of Leonard's*  
*Farmettes*

2

3

*PRELIMINARY DRAFT*

606-FV-08

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

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Final Determination: { *GRANTED / DENIED* }

Date: March 13 2008

Petitioners: Guadalupe Guzman and Kent Follmer, agent

Request: Authorize as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation

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**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

- \*1. The Co-Petitioner, Guadalupe Guzman, owns the subject property.
- 2. The subject property is Lot 2 of Leonard's Farmett's Subdivision in Section 2 of Urbana Township and commonly known as the structure south of the house at 3207 East Airport Road.
- \*3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana. Municipalities do not have protest rights in floodplain variance cases and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

- \*4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property is zoned CR Conservation-Recreation, and is in use as two single family dwellings, only one of which is currently occupied.
  - B. Land to the east, west, and south of the subject property is zoned CR Conservation-Recreation, and is in use as single family dwellings.
  - C. Land to the north of the subject property is zoned AG-2 Agriculture and is in use as a single family dwelling.

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

**PRELIMINARY DRAFT**

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the proposed site plan, there are two structures on the existing lot: the existing house and the subject dwelling, as follows:
  - A. The lowest finished floor of the existing house (located at 3207 East Airport Road) is indicated on the proposed plat for Guzbeck Granja Subdivision to be located 689.33 feet above mean sea level, but was constructed before the adoption of the *Special Flood Hazard Areas Ordinance*.
  - B. The lowest finished floor of the subject dwelling (located at 3205 East Airport Road) is indicated on the application for Floodplain Variance to be 689.22 feet above mean sea level. The subject dwelling was modified into a dwelling after the adoption of Champaign County regulations that enforce the National Flood Insurance Program.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. The *Special Flood Hazard Areas Ordinance* requirements that are directly relevant to this case are the following:
  - A. The following definitions from the *Special Flood Hazard Areas Ordinance* are especially relevant to the requested variance (capitalized words are defined in the Ordinance).
    - (1) “Base Flood” is the flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.
    - (2) “Base Flood Elevation” (BFE) is the elevation in relation to mean sea level of the crest of the base flood.
    - (3) “Flood” is a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff to surface waters from any source.
    - (4) “Floodplain” and “Special Flood Hazard Areas” are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Copper Slough, McCullough Creek, Saline Branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch are generally identified as such on the Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated January 2, 2003 also includes those areas of known flooding as identified by the community.
    - (5) “Flood Protection Elevation” (FPE) is the elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
    - (6) “IDNR/OWR” is the Illinois Department of Natural Resources/Office of Water Resources.

- B. Paragraph 7A. requires that substantial improvements made to an existing building must be protected from flood damage below the flood protection elevation.
- C. Paragraph 7B provides that a residential building can meet the requirements of Paragraph 7A, as follows:
  - (1) The building may be constructed on permanent landfill that conforms to the Ordinance.
  - (2) The building may be elevated in accordance with the Ordinance, which requires:
    - (a) The use of an open foundation or automatic flood vents.
    - (b) The location of all utility and ventilation equipment at or above the Flood Protection Elevation (FPE).
    - (c) The foundation must be designed to minimize flood damage and must be constructed of flood resistant materials.
    - (d) The finished interior grade may not be lower than the finished exterior grade.
    - (e) The area below the FPE shall not be habitable space.
- C. Subsection 10a of the *Special Flood Hazard Areas Ordinance* states that a variance from the terms of the *Champaign County Special Flood Hazard Areas Ordinance* shall not be granted by the Board unless the applicant demonstrates all of the following:
  - (1) The development activity cannot be located outside the floodplain.
  - (2) An exceptional hardship would result if the variance were not granted.
  - (3) The relief requested is the minimum variance.
  - (4) There will be no additional threat to public health or safety or creation of a nuisance.
  - (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities.
  - (6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the National Flood Insurance Program.
  - (7) All other state and federal permits have been obtained.

**GENERALLY REGARDING WHETHER THE DEVELOPMENT ACTIVITY COULD BE LOCATED OUTSIDE OF THE FLOODPLAIN**

- 8. Regarding the SFHA Ordinance requirement that the development activity cannot be located outside of the floodplain:

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

**PRELIMINARY DRAFT**

- A. The Petitioner has testified on the application that, **“The entire lot is within the special flood hazard area, no relocation can be accommodated.”**
- B. An excerpt of Flood Insurance Rate Map 1708940100C was attached to the Preliminary Memorandum and the subject property has been drawn at the proper scale and appears to be entirely within the SFHA.

**GENERALLY REGARDING WHETHER AN EXCEPTIONAL HARDSHIP WOULD RESULT IF THE FLOODPLAIN VARIANCE WERE NOT GRANTED**

- 9. Regarding the SFHA Ordinance requirement that an exceptional hardship would result if the floodplain variance were not granted:
  - A. The Petitioner has testified on the application that, **“Mr. Guzman purchased the subject property for \$271,000 on June 20, 2005 based upon representations made by the Sellers, Ken and Mary Rowe, and the listing realtor that the property including both residences was in compliance with all applicable city and county ordinances. Petitioner relied on the additional representations made by sellers, that 1) the front house could be legally rented while the residence in the rear was occupied and 2) that Sellers had no notice of any violation from the city or county concerning any violations zoning or otherwise. Petitioner later determined that these representations were false. A lawsuit is now pending in Champaign county Illinois based upon these false representations where Mr. Guzman is plaintiff and the Rowes are defendants. See Champaign County Case number 06-LM-639. This case is currently stagnant until the issues with the city and county are resolved in order to quantify Mr. Guzman’s damages resulting from the misrepresentations.**

**Mr. Guzman is under contract with the State of Illinois Department of Human Services to provide home care to Mr. Becker. The contract requires 302.50 hours per month of personal services to include preparation of meals, eating, grooming, dressing, transferring, cleaning etc. The residence was inspected in January 2008 by the Department of Human Services and the residence was determined to be appropriate in all respects for Mr. Becker. See a letter from Ms. Karen Mannon, Mr. Becker’s Rehabilitation Counselor with the Illinois Department of Human Services, attached as Exhibit E.**

**If the variance is not granted, Mr. Guzman will not be able to comply with these legal obligations to Mr. Becker and Mr. Becker will be in desperate need of a residence appropriate for him to survive. The front residence is not appropriate for Mr. Becker for several reasons and would require substantial modification. The cost to modify the front residence to accommodate Mr. Becker would exceed \$50,000 and Mr. Guzman would lose substantial rental income from the front residence.**

**Mr. Becker’s quality of life is enhanced as a result of the accommodations previously completed to the residence and further, he obtains much satisfaction from living in close proximity to the numerous animals located in close proximity to the rear residence.**

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

**Had Champaign County enforced its ordinances with the prior owner, Mr. Rowe in 2002, three years before Mr. Guzman's purchase, Mr. Guzman would not be petitioning for a variance because he would not have purchased it.**

**If the county intends to enforce the provisions of the county zoning ordinances to the strict letter of the law upon petitioner, fundamental principles of fairness and due process require it to also enforce county zoning ordinances with respect to the adjacent owners."**

B. Regarding the history of the subject property:

- (1) Staff first received a complaint regarding the subject property in January 2002.
- (2) Staff discovered an accessory storage structure had been converted into a dwelling creating a lot with two single family dwellings on it. Staff sent a First Notice to the then owners of the subject property, Kenneth and Margaret Rowe on March 18, 2002. Mr. Rowe contacted the Department to determine what action was necessary to correct the violation.
- (3) The enforcement case was discussed at the Environment and Land Use Committee (ELUC) in April 2002, but action was deferred due to a change in Zoning Administrators and the Comprehensive Zoning Review Cases 344-AT-02 and 352-AT-02 which were withdrawn in August 2003 and replaced.
- (4) ELUC considered amending the Zoning Ordinance to allow two single family dwellings on a lot but finally decided against amending the Zoning Ordinance to allow two dwellings on a single lot at the January 10, 2005, ELUC meeting. For some reason, there was no follow up with the Rowe's enforcement case following the ELUC decision.
- (5) Mr. Guzman apparently contacted the Department after purchasing the property in June 2005. Staff reserved a docket space for Mr. Guzman on July 1, 2005, and a notice of violation was mailed on October 13, 2005.
- (6) The Petitioners submitted their applications for variance on January 24, 2008. They filed the necessary documents for subdivision with the City of Urbana on January 25, 2008. **GENERALLY REGARDING WHETHER THE RELIEF REQUESTED IS THE MINIMUM NECESSARY**

10. Generally regarding the SFHA Ordinance requirement that the relief requested is the minimum necessary:

- A. The Petitioner has testified on the application that, **"This property was selected and purchased by Mr. Guzman because the house in the rear was capable of being modified to accommodate Mr. Anthony Becker, a disabled veteran, who resides there with Mr. Guzman. Mr. Guzman intended to rent the front house and he did so for several months after he purchased it. Mr. Guzman recently evicted the former tenants by a legal proceeding. The front house is currently vacant.**

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

*PRELIMINARY DRAFT*

Numerous improvement and accommodations have been made to the rear residence at 3205 E. Airport Road including lift and rail systems, ramps and doorways. These modifications were made to accommodate Mr. Becker, who was tragically injured in an automobile accident on December 14, 1998 wherein he lost the use of his legs and suffered substantial loss of use of his arms. These accommodations include a mechanical/electrical lift installed into the structural components of the ceiling including rails from the bedroom, through a doorway into the bathroom to allow Mr. Becker to use the toilet and shower. See photographs attached, as Exhibits A1 – A8. The lift and rail system was paid for by the United States Veterans Administration at a cost of approximately \$10,000.

There is a built-in electrical cord attached to the electric box on the exterior of the residence to allow for easy hook up to a gasoline-powered electric generator. See photographs attached as Exhibit B. In the event of a power outage, Mr. Becker's livelihood will not be in jeopardy and he will still be able to travel to the bathroom by use of his electric lift, charge his electric wheel chair and the furnace will continue to operate so Mr. Becker can stay warm, which is critical for his health.

There is not carpet in the residence in the areas occupied by Mr. Becker to facilitate his use of his wheelchair on the hard wood floors. Doors are wide and ramps exist. See photographs attached as Exhibits C and D. The windows are lower than usual to allow Mr. Becker to open, to close and to view out of them.

**The total value of the improvements made to the residence to accommodate Mr. Becker is approximately \$50,000."**

- B. Regarding the subject dwelling; this is the minimum variance possible as any change to the amount of variance requested would require raising the house.

*GENERALLY REGARDING WHETHER THERE WILL BE ANY ADDITIONAL THREAT TO PUBLIC HEALTH AND SAFETY OR CREATION OF A NUISANCE*

- 11. Generally regarding the SFHA Ordinance requirement that there will be no additional threat to public health and safety or creation of a nuisance:
  - A. The Petitioner has testified on the application that, **"The buildings shown on the Plat have been in existence prior to the creation of the Flood Insurance Rate Map FEMA (Federal Emergency Management Agency)"**
  - B. The subject structure was a barn until it was converted to a dwelling sometime before 2002.

*GENERALLY REGARDING WHETHER THERE WILL BE ADDITIONAL PUBLIC EXPENSE*

- 12. Regarding the SFHA Ordinance requirement that there be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities:

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

The Petitioner has testified on the application that, **“This is private property and there are no public roads associates with it.”**

*GENERALLY REGARDING WHETHER THE CIRCUMSTANCES ARE UNIQUE*

13. Regarding the SFHA Ordinance requirement that the applicant’s circumstances are unique, and do not establish a pattern inconsistent with the National Flood Insurance Program; this is only the sixteenth flood variance that has ever been applied for in the history of the *Champaign County Special Flood Hazard Areas Ordinance* and in the same amount of time there have been nearly 2000 Zoning Use Permits authorized.

*GENERALLY REGARDING WHETHER ALL OTHER REQUIRED PERMITS HAVE BEEN OBTAINED*

14. Regarding whether all other required state and federal permits have been obtained:
  - A. On the application, the Petitioner referred to the Petition for a Minor Plat that has been submitted to the City of Urbana. Other than the proposed subdivision plat there is no indication of any other permits that have been obtained or whether any other permits are required.

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

**DOCUMENTS OF RECORD**

1. Floodplain Variance Application submitted on January 24, 2008, with attachments:
  - A Petitioner's Photos illustrating improvements made to subject dwelling (labeled A-D)
  - B Letter from Karen Mannon, dated January 23, 2008
  
2. Preliminary Memorandum for Case 606-FV-08, with attachments:
  - A Excerpt from Flood Insurance Rate Map No. 1708940100C
  - B Draft Finding of Fact for Case 606-FV-08(see also attachments to Preliminary Memorandum for Case 512-V-05)

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **606-FV-08** held on **March 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The development activity *{CAN / CAN NOT}* be located outside the floodplain because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
2. An exceptional hardship *{WOULD / WOULD NOT}* result if the floodplain variance were not granted because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
3. The relief requested *{IS / IS NOT}* the minimum necessary because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
4. The requested floodplain variance *{WILL / WILL NOT}* result in any additional threat to public health and safety or creation of a nuisance because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
5. The requested floodplain variance *{WILL / WILL NOT}* result in additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. The applicant's circumstances *{ARE / ARE NOT}* unique and *{DO / DO NOT}* establish a pattern inconsistent with the National Flood Insurance Program because: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
7. All other required state and federal permits *{HAVE / HAVE NOT}* been obtained.

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

**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 of Section 10a. of the *Special Flood Hazard Areas Ordinance* **{HAVE/ HAVE NOT}** been met, and determines that:

The Floodplain Variances requested in Case 527-FV-05 is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the Petitioners, **Guadalupe Guzman and Kent Follmer, agent**, to authorize **as a variance from the Champaign County Special Flood Hazard Areas Ordinance the conversion into and the occupancy of a dwelling in which the top of the lowest floor is 0.02 feet above the Base Flood Elevation (100-year floodplain) instead of 1.0 foot above the Base Flood Elevation.**

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS}***

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

SIGNED:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

\*Same evidence as in related Zoning Cases 512-V-05 & 513-V-05

# CASE NO. 607-V-08

PRELIMINARY MEMORANDUM

March 7, 2008

Champaign  
County  
Department of

Petitioners: **John P. & Mildred S. Brown**

Request: **Authorize the use and construction of a single family dwelling with a rear yard of six feet in lieu of the required 20 feet rear yard on lots in the R-1 Single Family Dwelling District.**

**PLANNING &  
ZONING**

Site Area: **10,240 square feet**

Time Schedule for Development:

**Immediate**

Location: **Lot 11 of Spring Lake Subdivision in Section 17 of Mahomet Township and commonly known as the house at 1511 North Shore Drive, Mahomet.**

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

(217) 384-3708  
FAX (217) 328-2426

Prepared by: **J.R. Knight**  
Associate Planner  
**John Hall**  
Zoning Administrator

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## BACKGROUND

The Petitioners are going to demolish the existing dwelling and building a new dwelling with a detached garage on a nonconforming lot of record that is irregular in shape. The proposed construction meets the required setback, front yard, and side yards, but requires a variance for the rear yard. The Zoning Ordinance requires a minimum rear yard of 10 feet and a total rear yard area of at least 1600 square feet for a nonconforming lot of record in the R-1 Zoning District. The Petitioners proposed a rear yard of six feet and a total rear yard area of 920 square feet.

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet. Municipalities with zoning do not have protest rights in variance cases and they are not notified of such cases.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

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

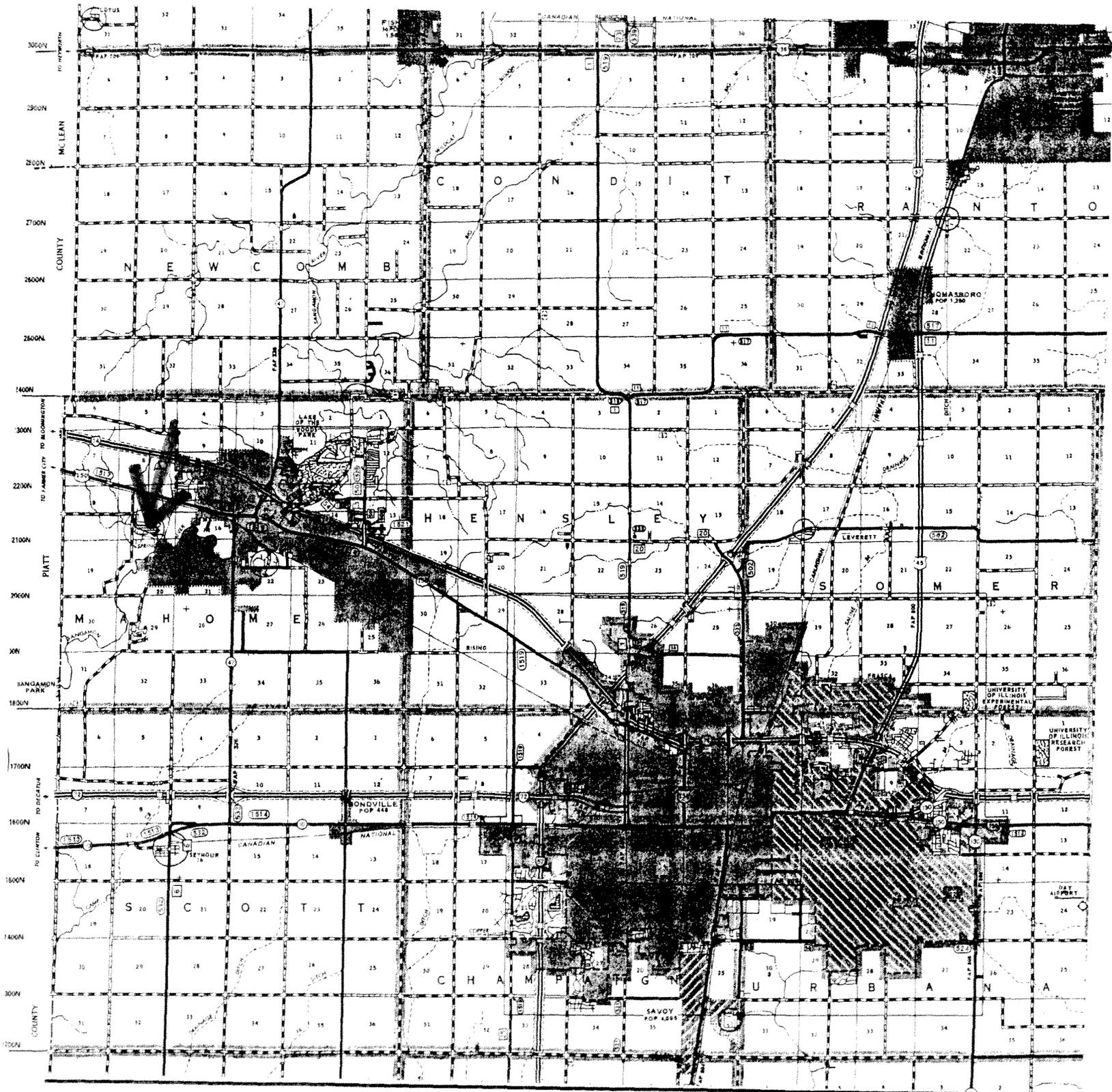
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan for subject property dated February 20, 2008
- C Annotated Site Plan for subject property
- D Draft Summary of Evidence for Case 607-V-08

ATTACHMENT A. LOCATION MAP

Case 607-V-08

MARCH 7, 2008

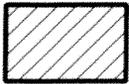
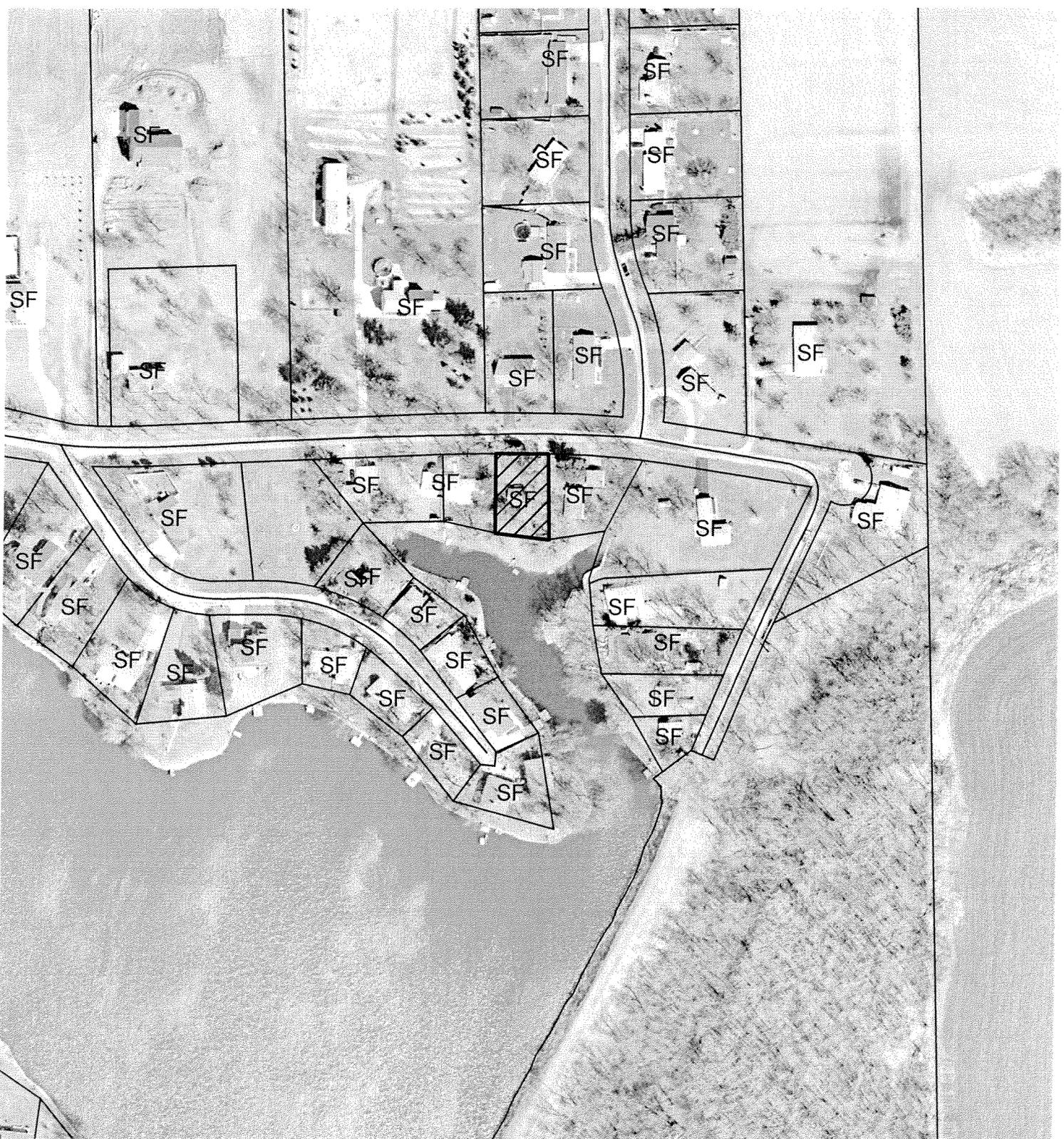


Champaign  
County  
Department of  
**PLANNING &  
ZONING**

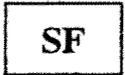
ATTACHMENT A. LAND USE MAP

Case 607-V-08

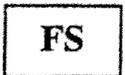
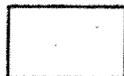
MARCH 7, 2008



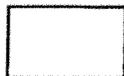
Area of Concern



Single Family



Farmstead



1 inch equals 200 feet

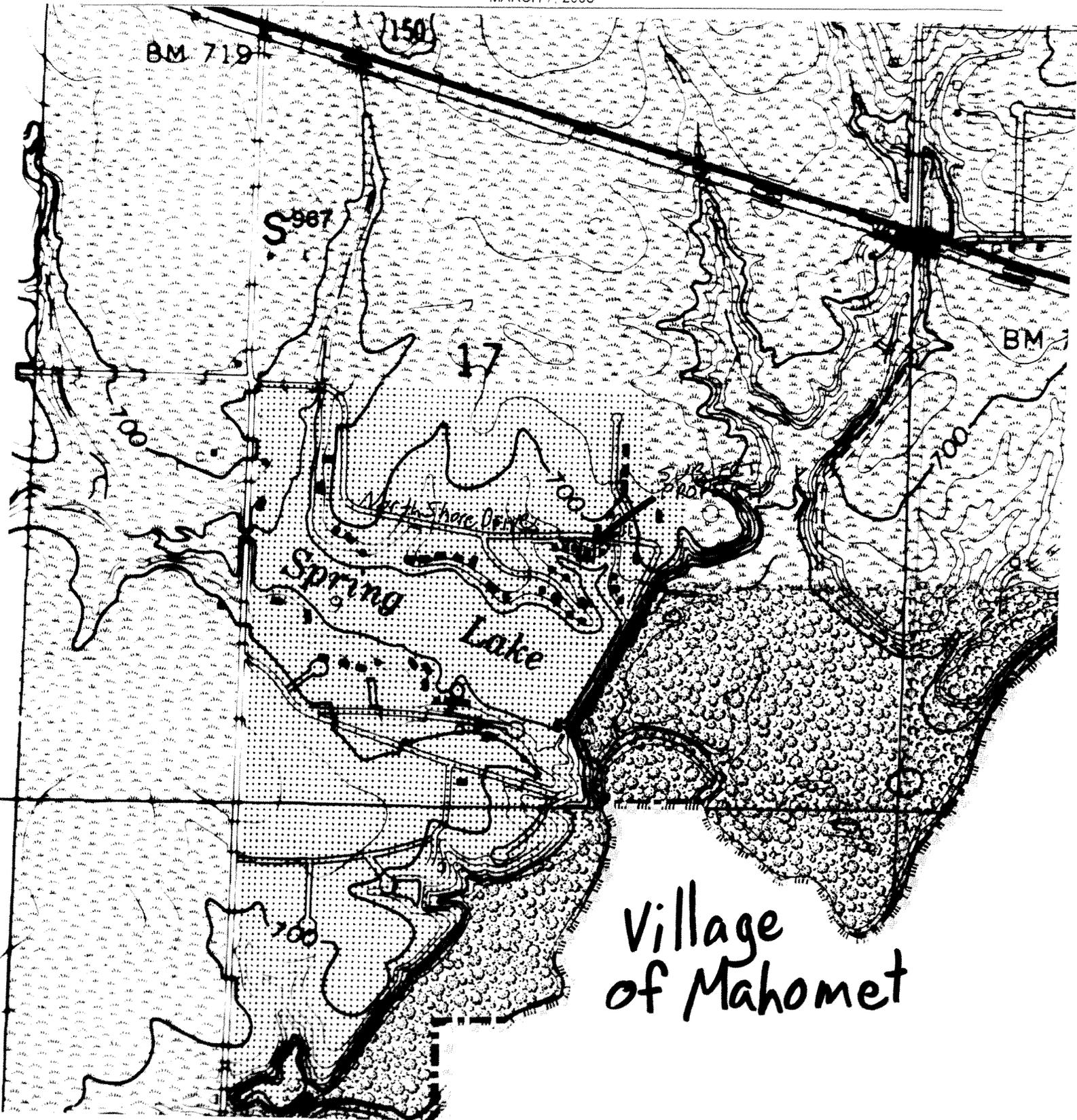
Champaign  
County  
Department of

**PLANNING &  
ZONING**

ATTACHMENT A. ZONING MAP

Case 607-V-08

MARCH 7, 2008

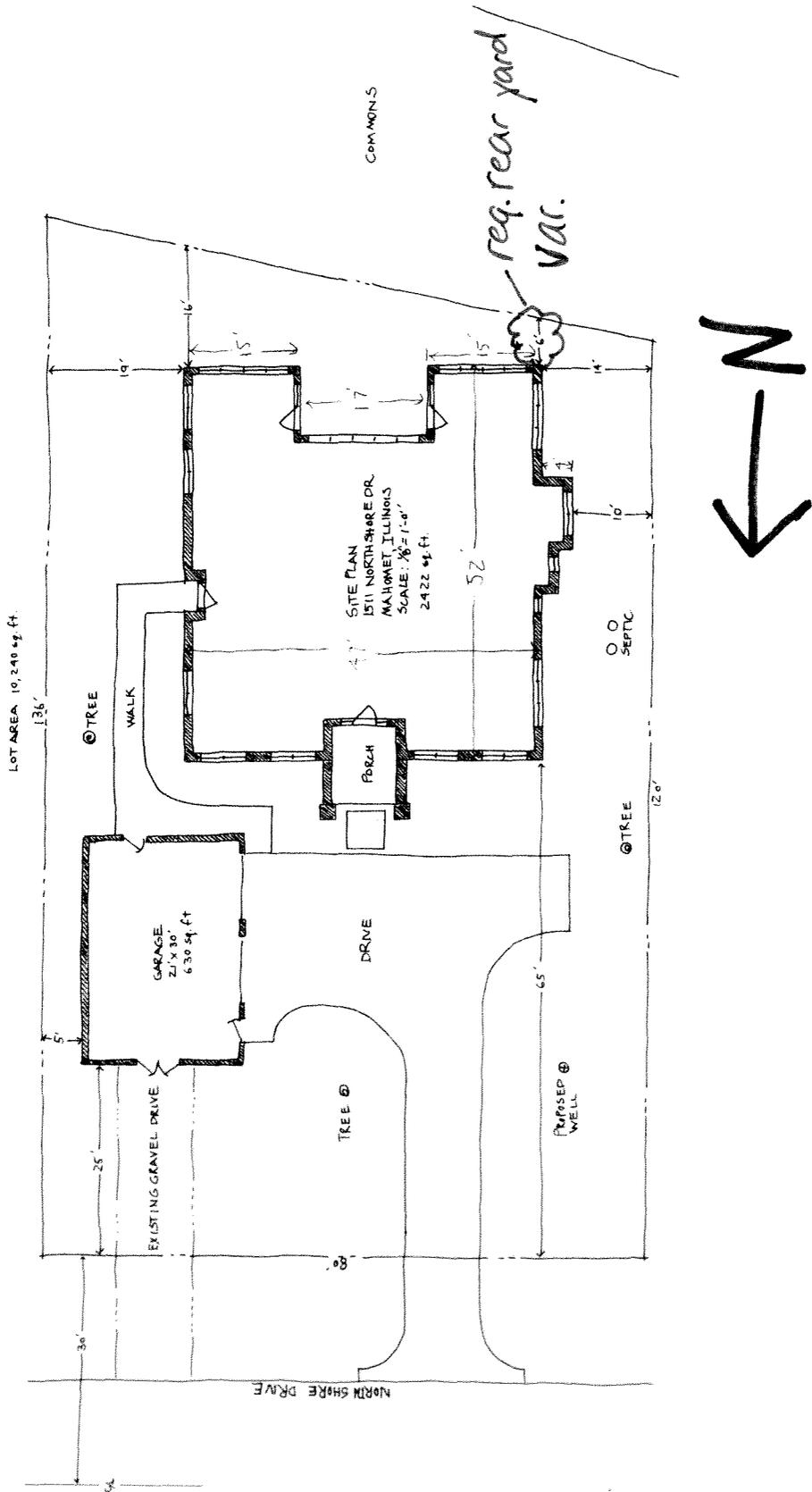


Village  
of Mahomet

AG-1 Agriculture	R-1 Single Family Residence	R-4 Multiple Family Res.	B-2 Neighborhood Business	B-5 Central Business	 NORTH Champaign County Department of <b>PLANNING &amp;                  ZONING</b>
AG-2 Agriculture	R-2 Single Family Residence	R-5 Mobile Home Park	B-3 Highway Business	I-1 Light Industry	
CR Conservation-Recreation	R-3 Two-family Residence	B-1 Rural Trade Center	B-4 General Business	I-2 Heavy Industry	



# ANNOTATED



***PRELIMINARY DRAFT***

**607-V-08**

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

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

Date: March 7, 2008

Petitioners: John P. Brown & Mildred S. Brown

Request: Authorize the use and construction of a single family dwelling with a rear yard of six feet in lieu of the required 20 feet rear yard on lots in the R-1 Single Family Dwelling District

---

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 13, 2008**, the Zoning Board of Appeals of Champaign County finds that:

1. The Petitioners, John P. and Mildred S. Brown, own the subject property.
2. The subject property is Lot 11 of Spring Lake Subdivision in Section 17 of Mahomet Township and commonly known as the house at 1511 North Shore Drive, Mahomet.
3. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet. Municipalities do not have protest rights in variance cases and are not notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Regarding land use and zoning on the subject property and adjacent to it:
  - A. The subject property and all the land surrounding it is zoned R-1 Single Family Dwelling.
  - B. The subject property and all the land surrounding it is in use as single family dwellings.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Generally regarding the proposed site plan:
  - A. The existing dwelling is proposed to be demolished and replaced with a dwelling and a detached garage.

**PRELIMINARY DRAFT**

- B. The proposed single family dwelling will be 2,422 square feet in area. It will be located nine feet, six inches behind the garage, such that its rear yard will only be six feet deep at a minimum.
- C. There is also a detached two car garage proposed to be constructed on the subject property, proposed to be 630 square feet in area. This accessory structure is proposed to meet all requirements for yards and setback.
- D. The subject property is located in the Spring Lake Subdivision, which was platted in the mid-1950's. The subject property is located between North Shore Drive and Spring Lake with a commons area between the rear lot line and the lakeshore.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
  - 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 with 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, MAIN or PRINCIPAL" is the BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
    - (3) "BUILDING RESTRICTION LINE" is a line usually parallel to the FRONT, side, or REAR LOT LINE set so as to provide the required YARDS for a BUILDING or STRUCTURE.
    - (4) "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.
    - (5) "LOT LINES" are the lines bounding a LOT.
    - (6) "NONCONFORMING LOT, STRUCTURE, or USE" is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
    - (7) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
    - (8) "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.

- (9) "YARD" is an OPEN SPACE, other than a COURT, of uniform 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.
  - (10) "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.
- B. In Section 5.3 of the *Zoning Ordinance* the rear yard requirement for the R-1 Single Family Dwelling Zoning District is indicated to be 20 feet. However, Footnote 6 indicates the following regarding irregularly shaped rear yards:
- In the case of an irregularly shaped LOT (not rectangular) the required minimum depth of a REAR YARD shall not be less than the required minimum SIDE YARD, as required by this Section 5.3; and in the aggregate, the square footage of the REAR YARD must equal that required for a rectangular LOT of minimum zoning DISTRICT dimensions.
- The minimum required side yard for the R-1 District is indicated in Section 5.3 to be 10 feet.
- C. The Department of Planning and Zoning measures yards and setbacks to the nearest wall line of a building or structure and the nearest wall line is interpreted to include overhanging balconies, projecting window and fireplace bulkheads, and similar irregularities in the building footprint. A roof overhang is only considered if it overhangs a property line.
- D. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. 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*.

*PRELIMINARY DRAFT*

- (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 9.1.9D.2.
- E. Paragraph 9.1.9.E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

*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 that, **“The lot is on a private lake with an unusually deep commons area between the lake and rear property line. The commons area is inaccessible to anyone except the property owner and is therefore technically a continuation of the property’s rear yard.”**
  - B. The proposed dwelling is proposed to be 2,422 square feet in building area and has approximately 2,800 square feet of living space.
  - C. The rear lot line for the subject property runs diagonally south from West to East, such that although the rear yard is only six feet deep at the shallowest point, it is 16 feet deep at the deepest point.
  - D. There is a commons area, south of the subject property, which is part of the lot containing Spring Lake. There is approximately 30 feet between the rear lot line and the lake shore at the narrowest point, and 50 feet at the widest point.

*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 that, **“The house we are building is small (plus or minus 2800 square feet/living space) relative to houses being built today. We have already shrunk the size of the house twice to try to conform to the setbacks.”**
  - B. *{STAFF NARRATIVE TO BE ADDED}*

*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 that, **“The lots were platted in 1956 and are small compared to today’s standards. I am trying to downsize as much as possible to accommodate the current ordinance.”**
  - B. Spring Lake Subdivision was platted in the mid-1950’s before the adoption of the *Zoning Ordinance* on October 10, 1973.

**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 that, **“I don’t believe the variance on the rear yard will affect the adjacent properties in any way, and because the commons is in effect a continuation of my back yard the general intent and purpose of the Zoning Ordinance will be maintained.”**
  - B. The Zoning Ordinance does not clearly state the considerations that underlay the rear yard requirements. In general, the side yard is presumably intended to ensure the following:
    - (1) Adequate light and air: The subject property is located on the shore of Spring Lake and will receive adequate light and air from the open space provided by the lake. The proposed dwelling will not affect any of the lots nearby it for the same reasons.
    - (2) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Cornbelt Fire Protection District and the station is approximately 3.2 road miles or eight minutes from the subject property. However, the subject property does not have another building lot behind it, so more than adequate separation is provided between the proposed dwelling and the nearest building to the rear of the subject property.
    - (3) Aesthetics may also play a part in minimum yard requirements.
    - (4) Septic systems are usually located in the rear yard.
  - E. The amount of variance can be calculated two ways:
    - (1) The proposed rear yard of six feet is 30% of the required 20 feet for a variance of 70%.
    - (2) Footnote 6 allows a minimum rear yard of 10 feet; as long as there is 1600 square feet of area in the rear yard. The proposed rear yard of six feet is 60% of the required 10 feet for a variance of 40%, and the proposed rear yard area of 920 square feet is 57.5% of the required 1600 square feet for a variance of 42.5%

*PRELIMINARY DRAFT*

- F. The requested variance is not prohibited by the *Zoning Ordinance*.
- G. The proposed construction has a total footprint of 3052 square feet, which is 29.8% of the total lot area, which is within the maximum allowed 30%.

*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 that, **“The adjacent property owners should not be affected by the variance because side lot setbacks are in force and it will not encroach their properties.”**
  - B. The Fire Protection District has received notice of this variance, but no comments have been received at this time.
  - C. The Township Highway Commissioner has also received notice of this variance, but no comments have been received.
- 12. On the application the Petitioner has also testified that, **“We love the Spring Lake area and this is our retirement home. We are trying to keep most of the living space on the 1<sup>st</sup> floor so we can get around in the house in our old age.”**

**DOCUMENTS OF RECORD**

1. Variance application from John P. Brown, received on February 6, 2008, with site plan
2. Preliminary Memorandum for Case 607-V-08, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan for subject property dated February 20, 2008
  - C Annotated Site Plan for subject property
  - D Draft Summary of Evidence for Case 607-V-08

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **607-V-08** held on **March 13, 2008**, 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 TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW;}**

**FINAL DETERMINATION**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements of 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 **607-V-08** is hereby *{GRANTED/GRANTED WITH CONDITIONS/DENIED}* to the petitioners, **John P. and Mildred S. Brown**, to authorize **the use and construction of a single family dwelling with a rear yard of six feet in lieu of the required 20 feet rear yard on lots in the R-1 Single Family Dwelling District.**

*{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:

Debra Griest, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date