

CASE NO. 929-V-19

PRELIMINARY MEMORANDUM

March 21, 2019

Petitioner: **Margaret and Rod Hinrichs**

Request: **Authorize the following variance from the Champaign County Zoning Ordinance in the AG-1 Agriculture Zoning District:**

Part A: Authorize construction of an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize construction and use of an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback for an accessory structure, per Sections 5.3 and 7.2.1 of the Zoning Ordinance.

Part C: Authorize construction and use of an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet for an accessory structure, per Section 7.2.1 of the Zoning Ordinance.

Subject Property: **A 0.5 acre tract in the Southwest Quarter of the Northwest Quarter of Section 6, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, and commonly known as the residence at 1766 CR 1800E, Urbana.**

Site Area: **21,800 square feet (0.5 acre)**

Time Schedule for Development: **Sheds are already in place; as soon as possible for the addition**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The Petitioners request a variance for an addition to their home that would have the same 5 feet side yard as the house, as approved by a variance in Case 066-V-97. They have two existing sheds, one of them has been located on the rear property line since the 1970s, and the newer one was placed by the petitioners toward the front of the property. The rear shed needs a variance for rear yard, and the front shed needs a variance for side yard, front yard, and setback from street centerline.

Case 066-V-97 was approved on April 3, 1997, for a variance to allow a lot area of 0.5 acre in lieu of the minimum required 1 acre; an average lot width of 100 feet in lieu of the minimum 200 feet; and a 5 feet side yard for the residence in lieu of the minimum required 15 feet.

The subject property was established under unique circumstances that impact the amount of land available for the addition and new shed. The Summary of Evidence for Case 066-V-97 states, “The subject lot was apparently created in 1982 in violation of the Zoning Ordinance with respect to lot area and width. The subject lot and the lot immediately to the north were either sold originally as two illegal lots, or sold as one conforming lot of adequate size and width which was subsequently split into illegal lots. The latter appears to be the case, as a full one-acre lot of 200 feet by 218 feet was excepted from the will of the previous owner of the surrounding farm, Mr. William Knott, dated December 6, 1982. The petitioners were not party to the creation of the lot in its substandard configuration, as they have only recently gained ownership of the lot.”

The rear shed has been where it is since at least 1976, according to the petitioner. P&Z Staff could find no evidence or aerial photography that showed it existed prior to the approval of the Zoning Ordinance on October 10, 1973. The shed thus existed prior to the lot creation and was not in violation until the lot was divided in 1982.

EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

The subject property is located within St. Joseph Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
North	Residential	AG-1 Agriculture
East	Agriculture/Residential	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture/Residential	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS

No special conditions are proposed at this time.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received February 19, 2019
- C Plot Plan created by Roger Huddleston dated February 1997, received as evidence for Zoning Case 066-V-97
- D Site Images taken by P&Z Staff on March 12, 2019
- E Draft Summary of Evidence, Finding of Fact, and Final Determination dated March 28, 2019

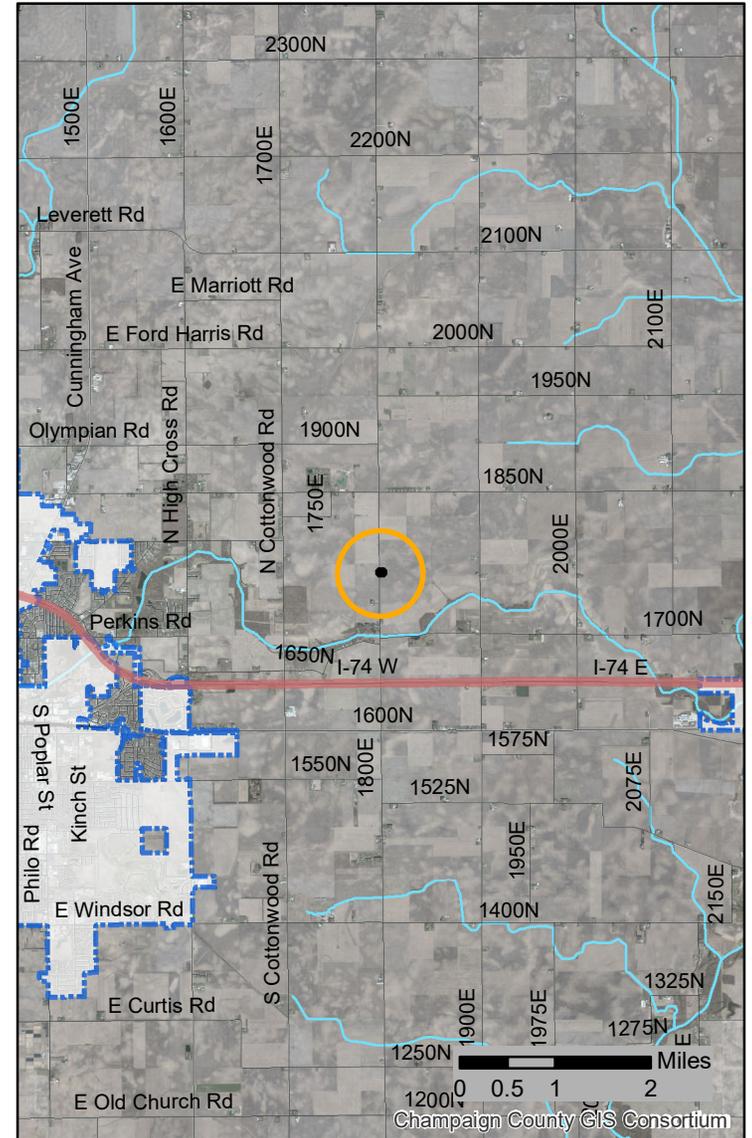
Location Map

Case 929-S-19
March 28, 2019

Subject Property



Property location in Champaign County



Legend

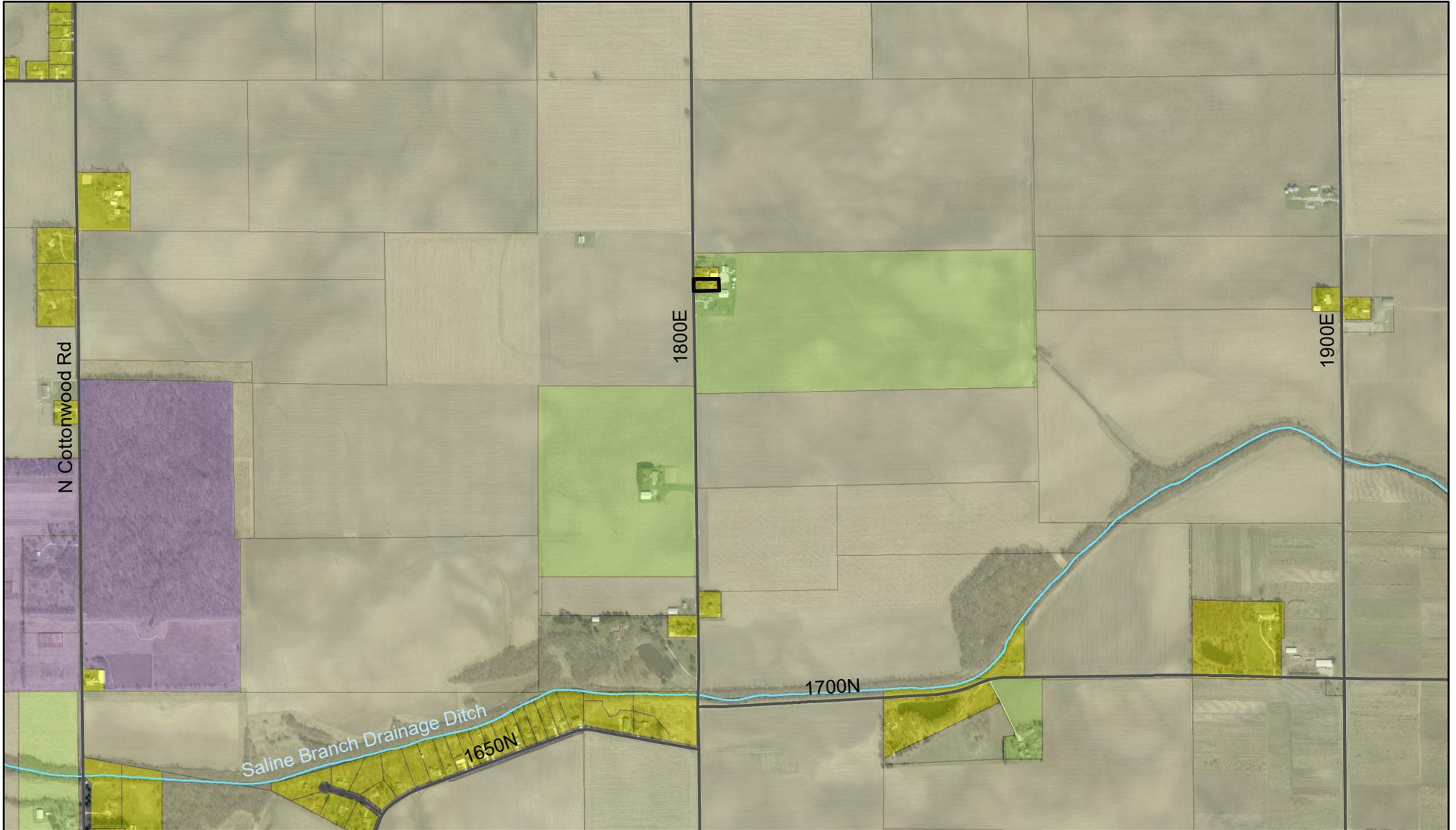
-  Subject Property
-  Parcels
-  Municipal Boundary
-  Interstate
-  Streets
-  Railroads



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 929-S-19
March 28, 2019



Legend

- SubjectProperty
- Streets
- Streams
- Agriculture
- Ag-Residential
- Residential
- Tax Exempt

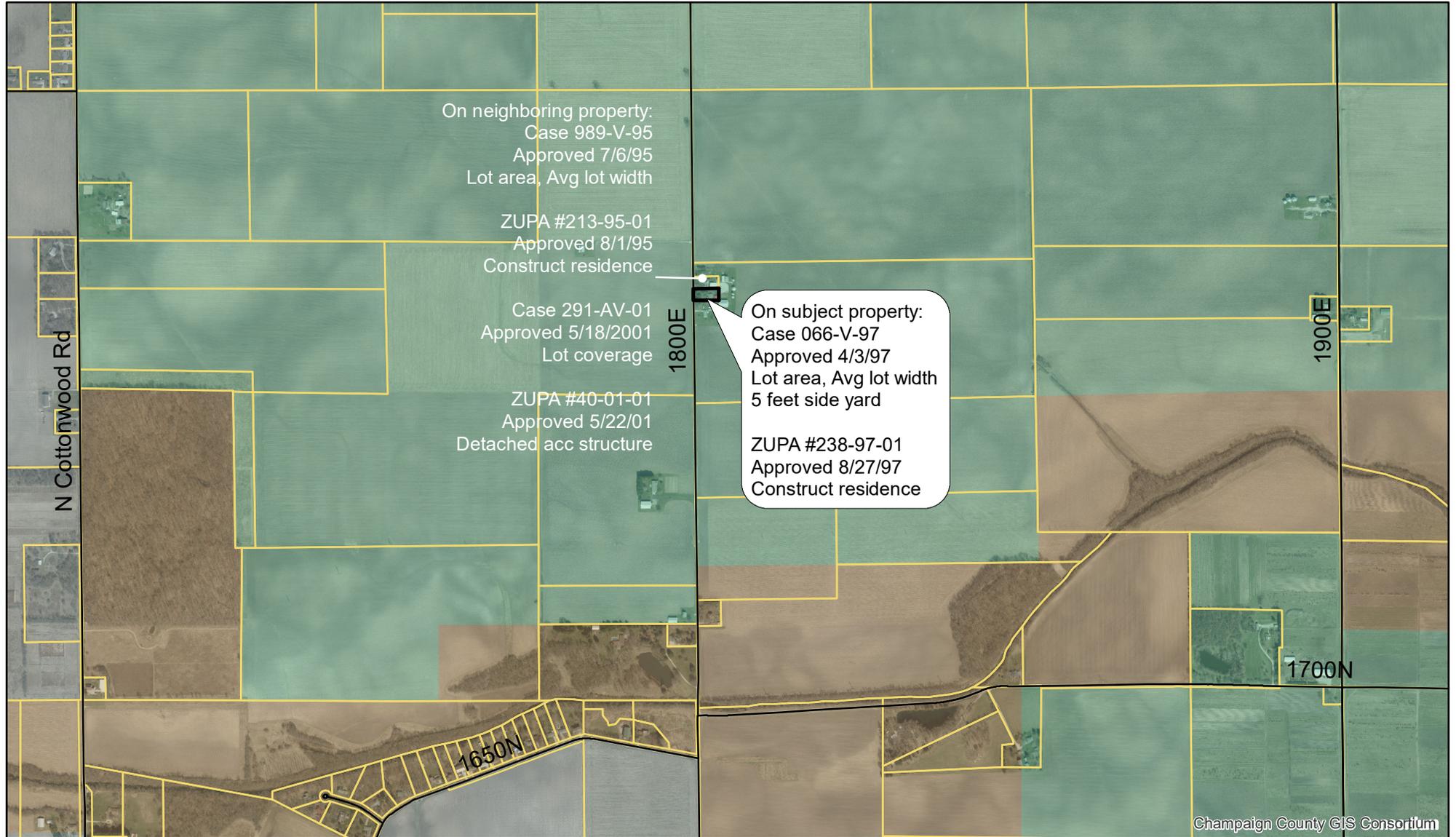
0 305 610 1,220 Feet



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 929-S-19
March 28, 2019



Legend

- SubjectProperty
- Parcels
- AG-1
- AG-2
- CR

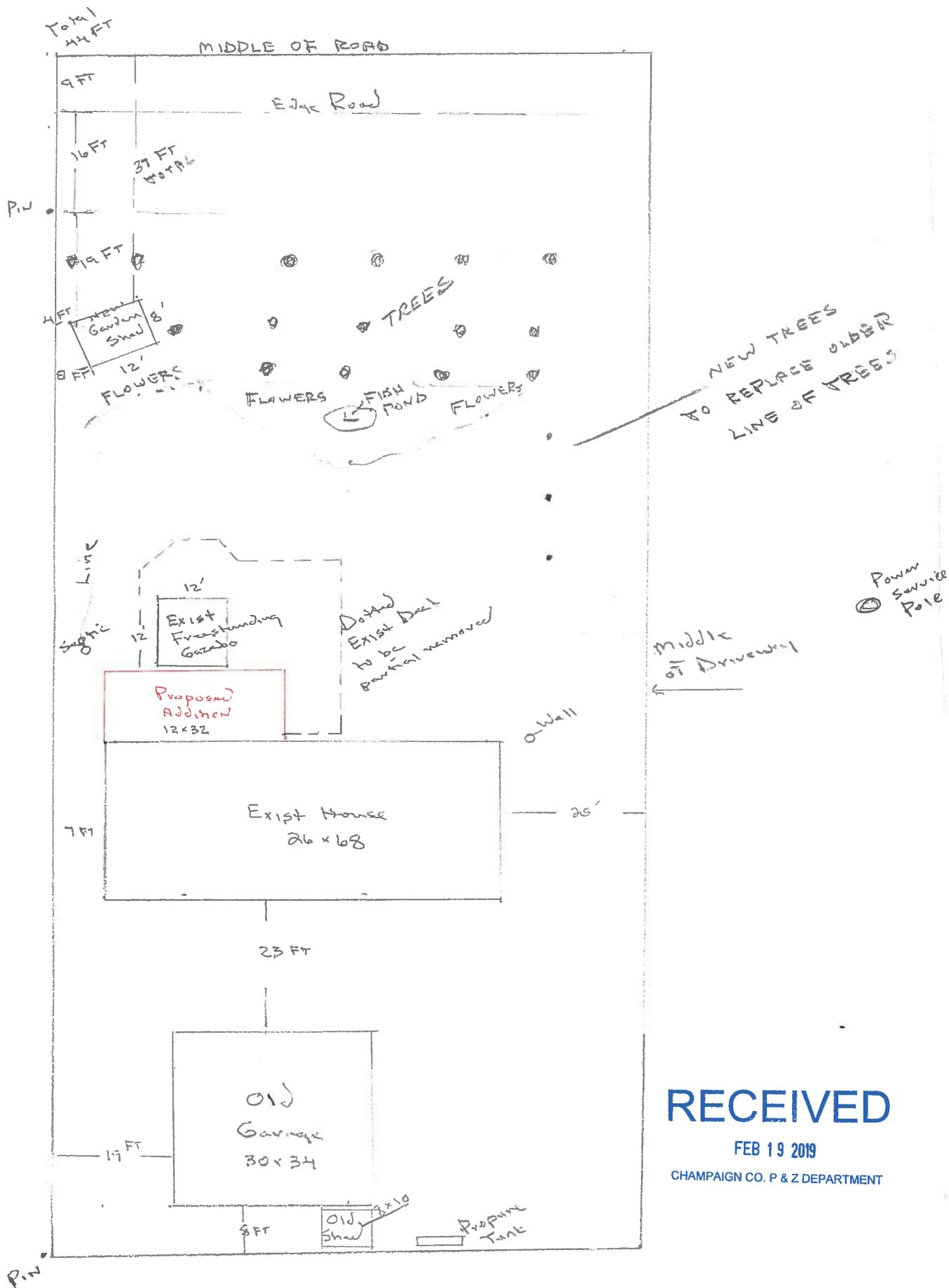
0 300 600 1,200 Feet



MARGARET MINRICH

1766 ER 1800E

1" = approx 15 FT



RECEIVED

FEB 19 2019

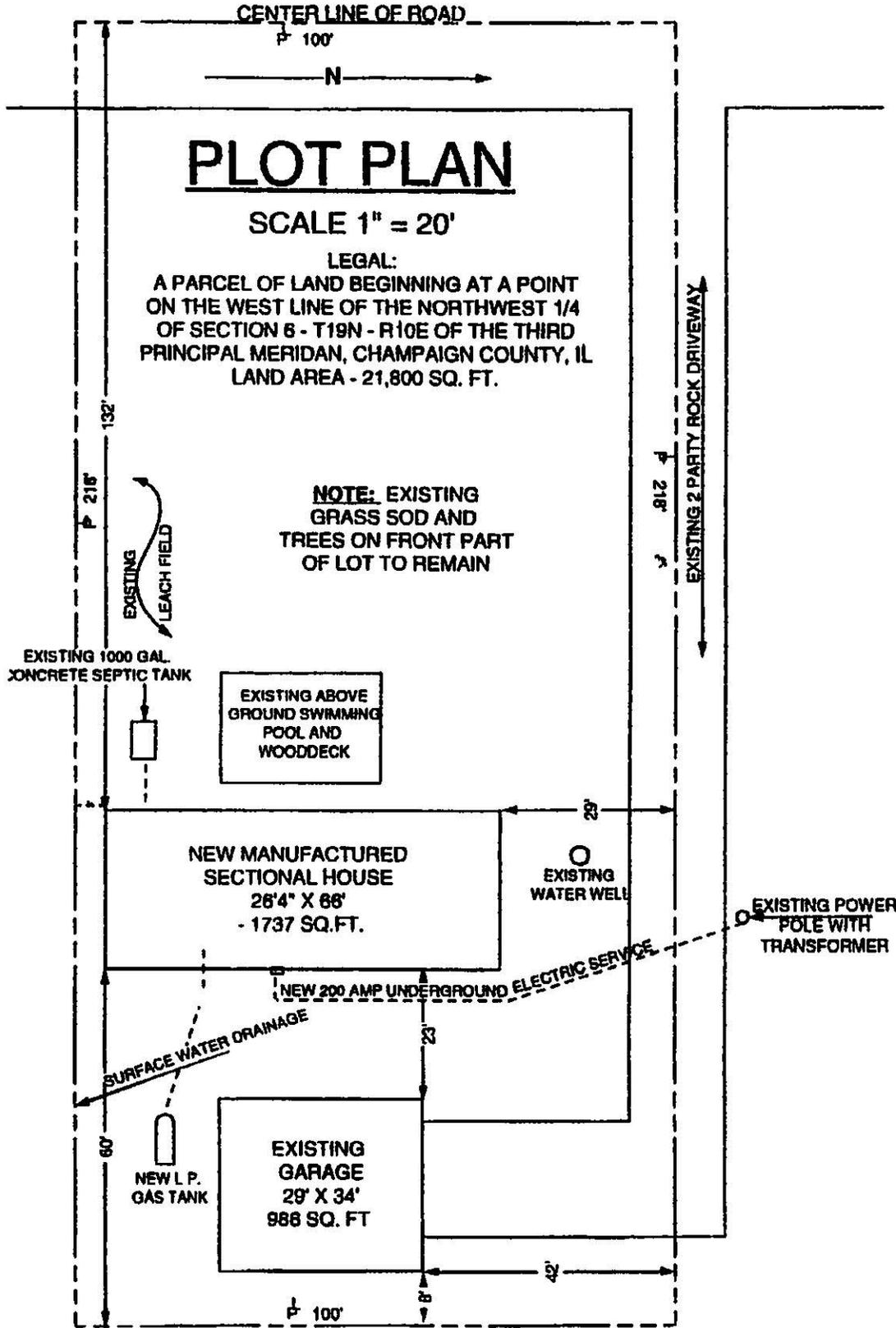
CHAMPAIGN CO. P & Z DEPARTMENT

Roger Huddleston Specially designed for:
 Manufactured Homes, Inc. Margie Ring
 Dedicated to Excellence 1766 County Road 1800 E
 Engineer: Del Baker Urbana, IL
 Phone: 217-986-4144 February 1997

COPYRIGHT - 1992 Roger Huddleston
 ALL RIGHTS RESERVED

TO COUNTY ROAD 1700 NORTH

COUNTY ROAD 1800 EAST



929-V-19 Site Images



Subject property from CR 1800E facing SE – subject property at middle



Subject property front yard, from CR 1800E facing ESE

929-V-19 Site Images



Front yard shed, from CR 1800E facing east



**Front yard shed, taken from south side yard of house;
septic field is left of tree in grass area**

929-V-19 Site Images



Side yard on south side of house that has 5 feet side yard



Front yard shed, taken from south side yard by existing deck facing NW

929-V-19 Site Images



Fish pond in middle of front yard



Front yard taken from north side yard of house facing SW

929-V-19 Site Images



Front of house proposed location for addition, deck to be removed



Front of house, from middle of front yard facing east

929-V-19 Site Images



Rear yard of house, "old garage" at left, from driveway facing south



Rear yard of house, "old garage" at left, from driveway facing SW

929-V-19 Site Images



Rear shed next to old garage, from driveway facing SW



L: Rear shed on property line



R: Rear shed, taken from driveway

929-V-19 Site Images



CR 1900E in front of subject property



Shared driveway, from side of house facing west

PRELIMINARY DRAFT

929-V-19

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

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

Date: ***{March 28, 2019}***

Petitioners: **Margaret and Rod Hinrichs**

Request: **Authorize the following Variance in the AG-1 Agriculture Zoning District:**

Part A: Authorize construction of an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, per Section 5.3 of the Zoning Ordinance.

Part B: Authorize construction and use of an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback for an accessory structure, per Sections 5.3 and 7.2.1 of the Zoning Ordinance.

Part C: Authorize construction and use of an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet for an accessory structure, per Section 7.2.1 of the Zoning Ordinance.

Table of Contents

General Application Information..... 2
Required Variance..... 3
Specific Ordinance Requirements..... 3 - 5
Variance Evidence 5 - 8
Documents of Record..... 9
Case 929-V-19 Findings of Fact..... 10
Case 929-V-19 Final Determination 11

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Margaret and Rod Hinrichs, own the subject property.
2. The subject property is a 0.5 acre tract in the Southwest Quarter of the Northwest Quarter of Section 6, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, and commonly known as the residence at 1766 CR 1800E, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
 - B. The subject property is located within St. Joseph Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture. Land use is a single family residence.
 - B. Land to the north is zoned AG-1 Agriculture, and is residential in use.
 - C. Land to the south and east is zoned AG-1 Agriculture, and is a farmstead with land in agricultural production.
 - D. Land to the west is zoned AG-1 Agriculture, and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan, received February 19, 2019, indicates the following:
 - (1) Existing features consist of the following:
 - a. One 1,768 square feet residence;
 - b. One 30 feet by 34 feet non-conforming "old garage";
 - c. One 8 feet by 12 feet shed near the southwest corner of the property that is the subject of Part B of this variance case;
 - d. One 8 feet by 10 feet shed on the east side of the old garage that is the subject of Part C of this variance case;
 - e. One 12 feet by 12 feet freestanding gazebo, which will be moved north of its existing location;
 - f. A fish pond, garden, and mature trees located north of the west garden shed;

PRELIMINARY DRAFT**Case 929-V-19**

Page 3 of 11

- g. An existing deck west of the house that will be partially removed;
 - h. A well located at the northwest corner of the house;
 - i. A septic field located east of the front shed; and
 - j. A shared driveway on the north edge of the property.
- (2) The petitioners propose a 32 feet by 12 feet addition to the west side of the house that is contingent upon Part A of this variance case.
- B. There is one previous Zoning Use Permit for the subject property:
- (1) ZUPA #238-97-01 was approved on August 27, 1997, to construct the residence, subject to the variance in Case 066-V-97.
- C. There is one previous zoning case for the subject property:
- (1) Case 066-V-97 was approved on April 3, 1997, for a variance to allow a lot area of 0.5 acre in lieu of the minimum required 1 acre; an average lot width of 100 feet in lieu of the minimum 200 feet; and a 5 feet side yard for the residence in lieu of the minimum required 15 feet.
- D. The required variance is for the following:
- (1) Part A of the variance is to allow an addition to the residence that has the same 5 feet side yard variance that was approved for the residence in Case 066-V-97.
 - (2) Part B of the variance is to allow the existing front shed to remain at its current location, with a setback of 37 feet from street centerline and a side yard of 4 feet from the south property line.
 - (3) Part C of the variance is to allow the existing rear shed to remain at its current location, which is on the east property line.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (3) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.

PRELIMINARY DRAFT

- (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 LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
 - (6) “LOT LINE, REAR” is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
 - (7) “LOT LINES” are the lines bounding a LOT.
 - (8) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
 - (9) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (10) “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.
 - (11) “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.
 - (12) “YARD, SIDE” is a YARD situated between a side LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT and extending from the rear line of the required FRONT YARD to the front line of the required REAR YARD.
- B. The AG-1, Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the

PRELIMINARY DRAFT

Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Minimum SETBACK for an ACCESSORY STRUCTURE in the AG-1 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 55 feet for a township road.
 - E. Minimum FRONT YARD for an ACCESSORY STRUCTURE in the AG-1 Agriculture District is established in Section 4.3.2 of the Zoning Ordinance as 25 feet.
 - F. Minimum SIDE YARD for an ACCESSORY STRUCTURE in the AG-1 Agriculture District is established in Section 7.2.1.B. of the Zoning Ordinance as 10 feet.
 - G. Minimum SIDE YARD for a PRINCIPAL STRUCTURE in the AG-1 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 15 feet.
 - H. Minimum REAR YARD for an ACCESSORY STRUCTURE in the AG-1 Agriculture District is established in Section 7.2.1.C. of the Zoning Ordinance as 10 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“House: would like to match up to existing home. Shed: thought it would be good location – close to garden and pond area – amongst trees.”**
 - B. Regarding the addition to the house, variance Case 066-V-97 was approved on April 3, 1997, to permit the construction of a single family residence with a side yard of 5 feet.

PRELIMINARY DRAFT

- (1) The Summary of Evidence for Case 066-V-97 states, “The subject lot was apparently created in 1982 in violation of the Zoning Ordinance with respect to lot area and width. The subject lot and the lot immediately to the north were either sold originally as two illegal lots, or sold as one conforming lot of adequate size and width which was subsequently split into illegal lots. The latter appears to be the case, as a full one-acre lot of 200 feet by 218 feet was excepted from the will of the previous owner of the surrounding farm, Mr. William Knott, dated December 6, 1982. The petitioners were not party to the creation of the lot in its substandard configuration, as they have only recently gained ownership of the lot.”
- C. The subject property has established trees, a fish pond, a septic system, and other features that limit where a shed can be placed.

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, **“House – addition matches up well with existing home. Garden shed – to move would have to remove trees, bottom trim and landscaping.”**
- B. Regarding Part A of the proposed variance, for an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, the petitioners would have to redesign their plans for the addition.
- C. Regarding Part B of the proposed variance, for an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback, the petitioners would need to move or remove the shed.
- D. Regarding Part C of the proposed variance, for an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet, the shed has been in place since the early 1970s, and would be difficult to move.

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, **“House – no. Garden shed – we did put up shed not knowing restrictions – installer required 3 feet clearance from any tree.”**
- B. The Summary of Evidence for Case 066-V-97 states, “The subject lot was apparently created in 1982 in violation of the Zoning Ordinance with respect to lot area and width. Staff can find no evidence of non-conforming rights to the substandard area and width of the subject property. The subject lot and the lot immediately to the north were either sold originally as two illegal lots, or sold as one conforming lot of adequate size and width

PRELIMINARY DRAFT

which was subsequently split into illegal lots. The latter appears to be the case, as a full one-acre lot of 200 feet by 218 feet was excepted from the will of the previous owner of the surrounding farm, Mr. William Knott, dated December 6, 1982. The petitioners were not party to the creation of the lot in its substandard configuration, as they have only recently gained ownership of the lot.”

- C. One of the variances granted in case 066-V-97 was to allow a 5 feet side yard for the house, and the petitioners simply want to follow that same line with their addition.
- D. The rear shed has been where it is since at least 1976, according to the petitioner. P&Z Staff could find no evidence or aerial photography that showed it existed prior to the approval of the Zoning Ordinance on October 10, 1973. The shed thus existed prior to the lot creation and was not in violation until the lot was divided in 1982.

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, **“House – lines up well with existing home approved before. Garden shed – work well with existing landscape.”**
 - B. Regarding Part A of the proposed variance, for an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, the requested variance is 33% of the minimum required, for a variance of 67%.
 - C. Regarding Part B of the proposed variance, for an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback:
 - (1) The requested side yard variance is 40% of the minimum required, for a variance of 60%.
 - (2) The requested front yard variance is 84% of the minimum required, for a variance of 16%.
 - (3) The requested setback variance is 67% of the minimum required, for a variance of 33%.
 - D. Regarding Part C of the proposed variance, for an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet the requested variance is 0% of the minimum required, for a variance of 100%.
 - E. The Zoning Ordinance does not clearly state the considerations that underlay the side and rear yard requirements. In general, the yards are presumably intended to ensure the following:
 - (1) Adequate light and air: The subject property is in residential use. The surrounding properties are in residential and agricultural use.

PRELIMINARY DRAFT

- (2) Separation of structures to prevent conflagration: The subject property is within the St. Joseph-Stanton Fire Protection District and the station is approximately 6 road miles from the subject property. The nearest structure on adjacent property is a detached shed that is approximately 42 feet away; the nearest residence on adjacent property is approximately 53 feet away. The construction of the addition would not make this distance any closer.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- F. The Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
- (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - (3) Parking, where applicable.
 - (4) It is unlikely that CR 1800E adjacent to the subject property will be widened.

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: **“None.”**
 - B. The St. Joseph Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The St. Joseph-Stanton Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest structure on adjacent property is a detached garage that is approximately 42 feet away; the nearest residence on adjacent property is approximately 53 feet away.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioner has testified on the application: **“Garden shed – no other really logical place to put shed.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- No special conditions are proposed at this time.**

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Variance Application received February 19, 2019, with attachments:
 - A Site Plan received February 19, 2019

2. Plot Plan created by Roger Huddleston dated February 1997, received as evidence for Zoning Case 066-V-97

3. Preliminary Memorandum dated March 21, 2019, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received February 19, 2019
 - C Plot Plan created by Roger Huddleston dated February 1997, received as evidence for Zoning Case 066-V-97
 - D Site Images taken by P&Z Staff on March 12, 2019
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated March 28, 2019

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **929-V-19** held on **March 28, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
4. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **929-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Margaret and Rod Hinrichs**, to authorize the following variance in the AG-1 Agriculture Zoning District:

- Part A:** Authorize construction of an addition to an existing dwelling with a side yard of 5 feet in lieu of the minimum required 15 feet, per Section 5.3 of the Zoning Ordinance; and
- Part B:** Authorize construction and use of an existing detached shed with a side yard of 4 feet, a front yard of 21 feet, and a setback of 37 feet from the street centerline in lieu of the minimum required 10 feet side yard, 25 feet front yard, and 55 feet setback for an accessory structure, per Sections 5.3 and 7.2.1 of the Zoning Ordinance.
- Part C:** Authorize construction and use of an existing detached shed with a rear yard of 0 feet in lieu of the minimum required 10 feet for an accessory structure, per Section 7.2.1 of the Zoning Ordinance.

{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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date