

CASE NO. 989-V-20

PRELIMINARY MEMORANDUM

November 24, 2020

Petitioners: **Matt and Sherrie Faulkner**

Request: **Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture Zoning District, per Section 5.3. of the Zoning Ordinance.**

Subject Property: **The 2.99-acre Lot 1 of Quinlan Subdivision in Section 23, Township 22 North, Range 9 East of the Third Principal Meridian, in Ludlow Township and commonly known as the residence at 1604 CR 3200N, Rantoul.**

Site Area: **2.99 acres**

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

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

BACKGROUND

The Petitioners purchased the subject property in 2019, and would like to convert an existing shed into a residence. Per the Quinlan Plat of Subdivision approved by the Village of Rantoul on March 15, 2019, the shed sits 11 feet and one-half inch from the north property line. This exceeds the required 10 feet side yard for a detached accessory structure in AG-1, but is short of the 15 feet side yard minimum for a principal structure. A variance is needed so the petitioners can proceed with converting the shed.

The petitioners will demolish the existing decommissioned house once construction is complete.

No comments have been received for this case.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Single Family Residence	AG-1 Agriculture
South	Agriculture	AG-2 Agriculture

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Ludlow Township, which does not have a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

PROPOSED SPECIAL CONDITIONS

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for the addition to the shed.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

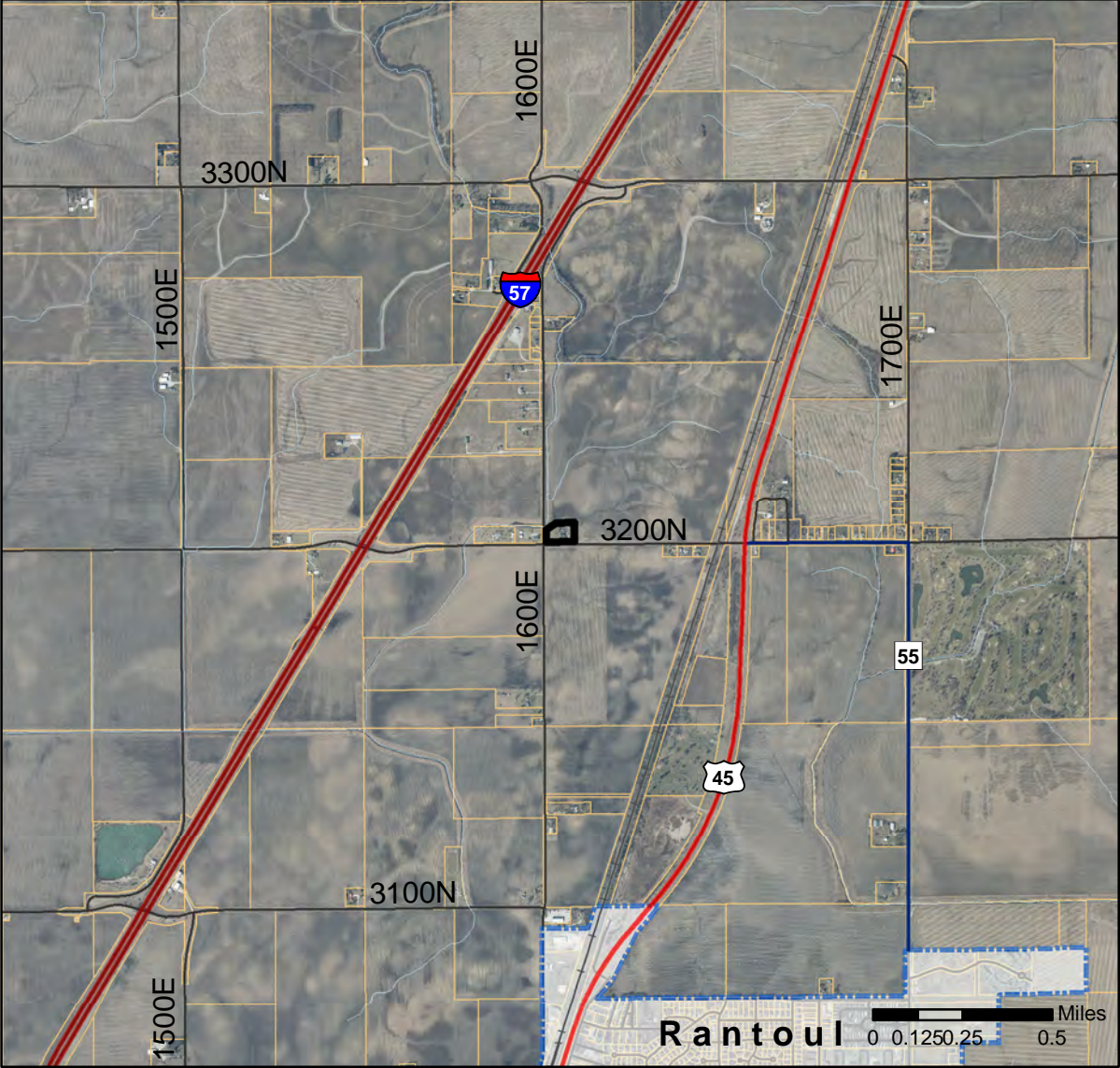
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 7, 2020
- C Plat of Quinlan Subdivision received October 7, 2020
- D Google Earth aerial photo received October 7, 2020
- E Images of Subject Property taken November 6, 2020
- F Draft Summary of Evidence, Finding of Fact, and Final Determination December 3, 2020

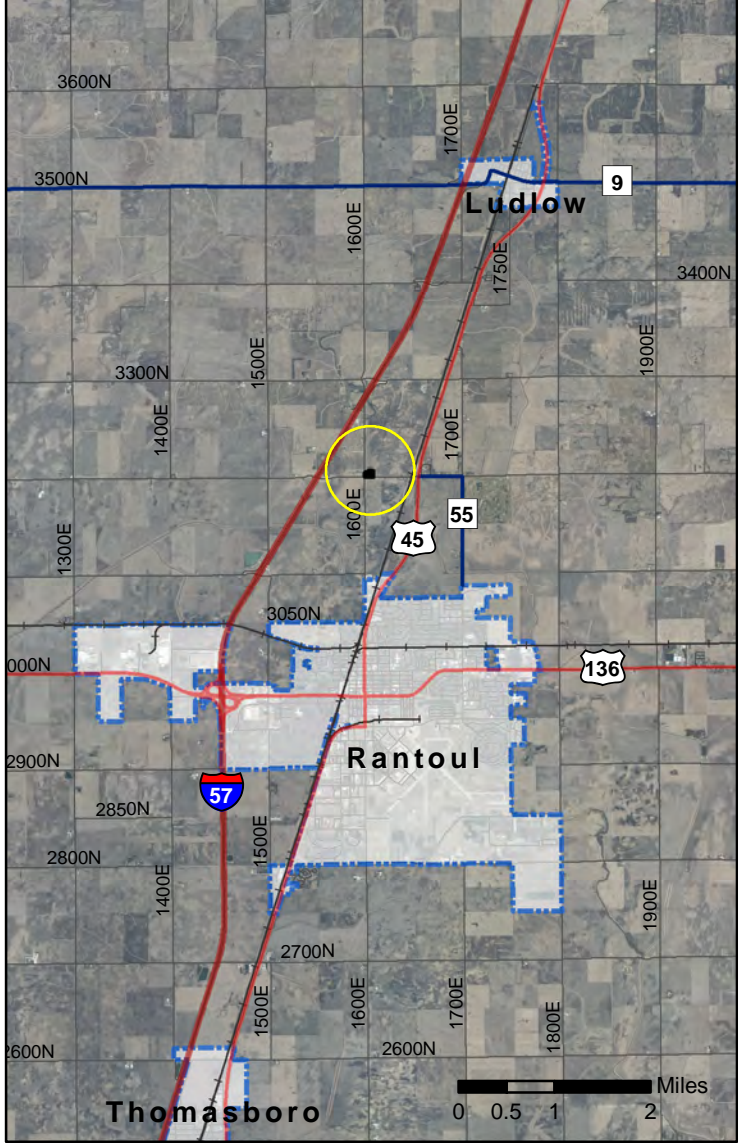
Location Map

Case 989-V-20
December 3, 2020




Subject Property



Property location in Champaign County



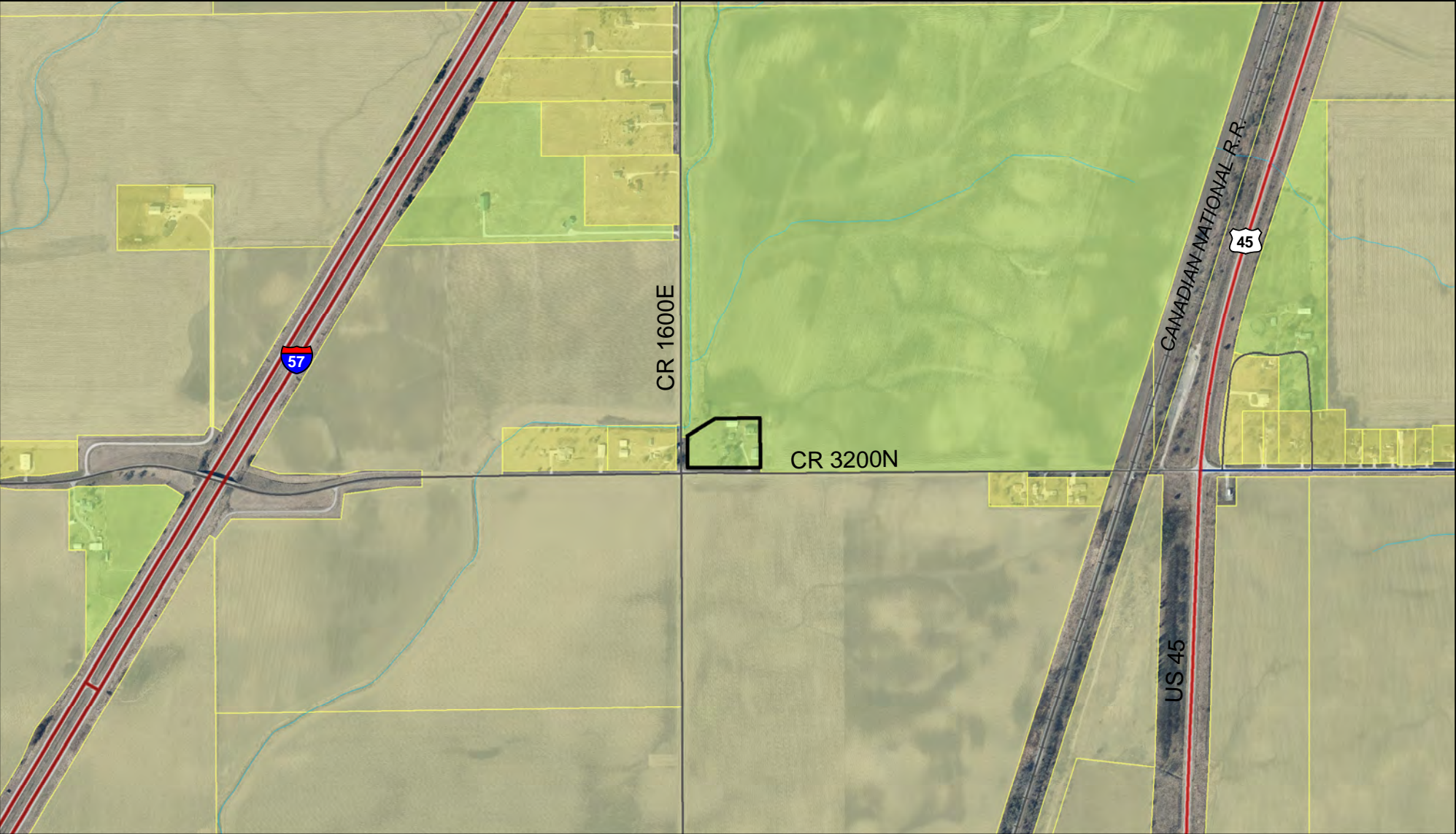
Legend

-  Subject Property
-  Municipal Boundary
-  Parcels








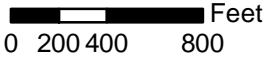
Land Use Map

Case 989-V-20
December 3, 2020



Legend

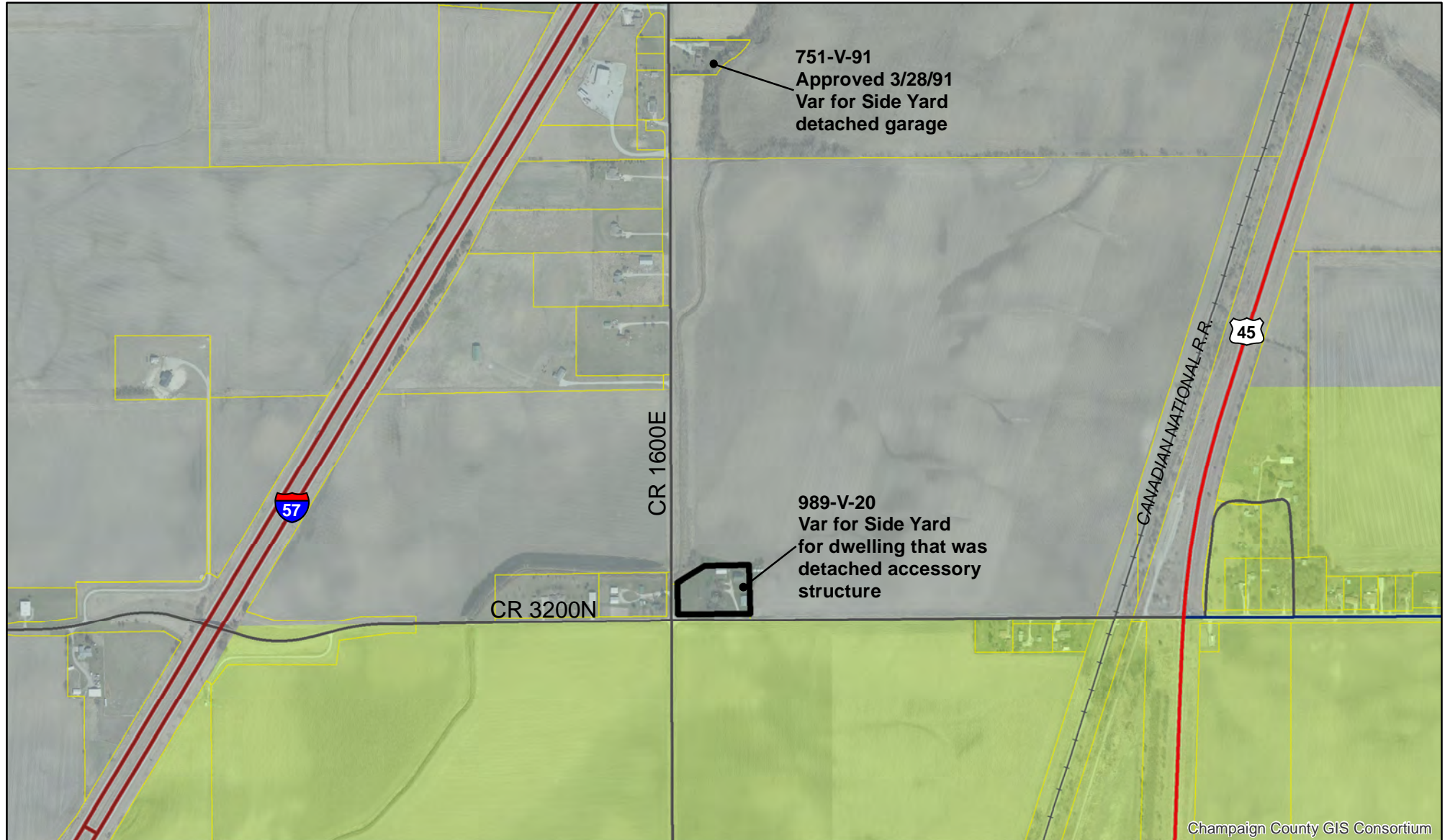
-  Subject Property
-  Parcels
-  Agriculture
-  Ag/Residential
-  Residential



Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 989-V-20
December 3, 2020

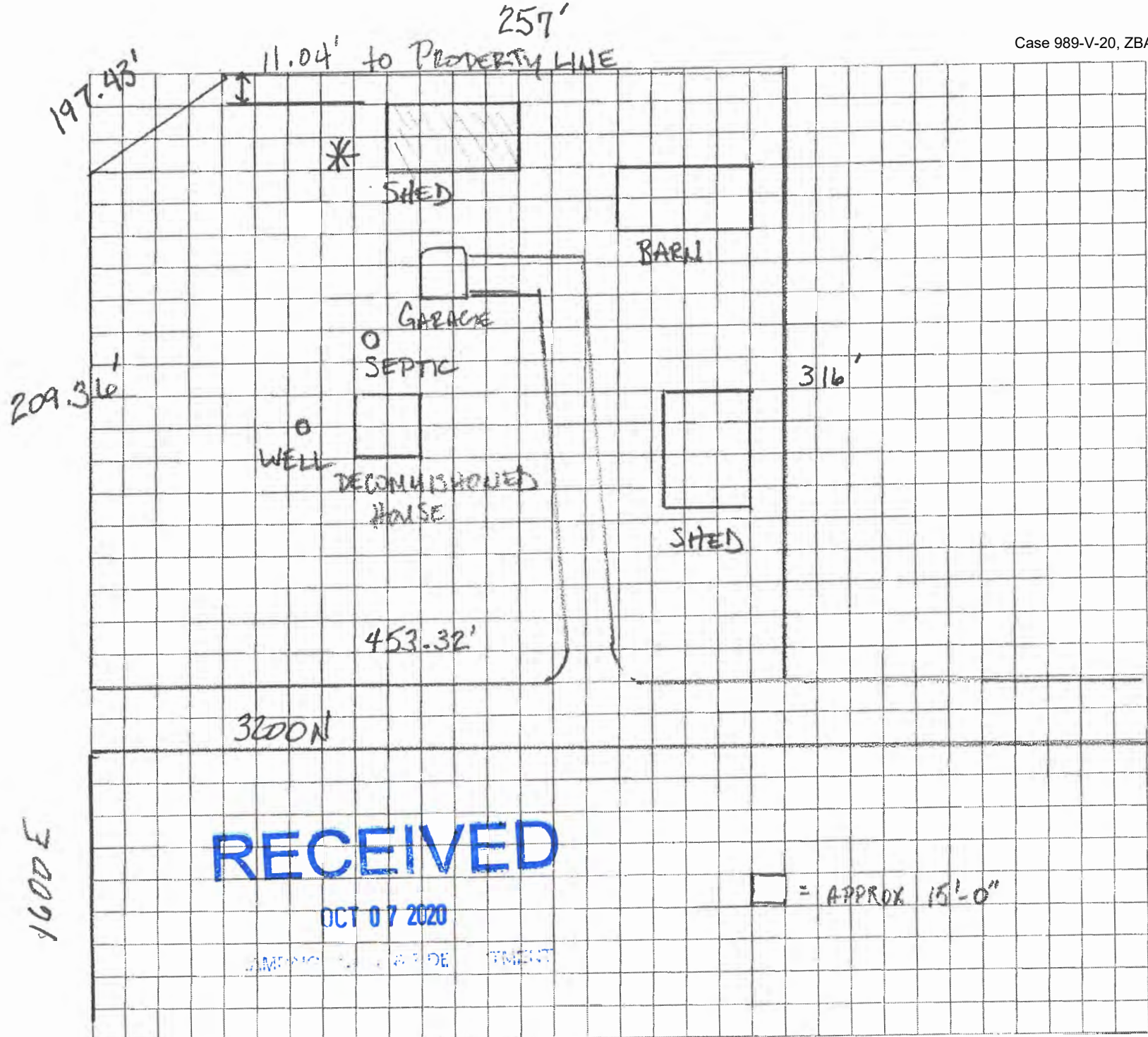


Legend

- Subject Property
- AG-1 Agriculture
- Parcels
- AG-2 Agriculture

0 200 400 800 Feet

Champaign County
Department of
PLANNING &
ZONING



Check which applies: Site Plan Erosion & Sediment Control Plan Other: _____

Date Received: _____

North Arrow: 

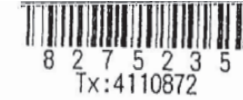
Approval (Office Use Only): _____

1600E

Permit Application No. _____

Applicant Name: _____

*  PROPOSED
RIVERBANK REMEDIATION



QUINLAN SUBDIVISION

OWNER'S CERTIFICATE

- KNOW ALL BY THESE PRESENTS, THAT THE UNDERSIGNED BEING THE SOLE OWNER(S) OF THE FOLLOWING DESCRIBED REAL ESTATE (COLLECTIVELY, THE "REAL ESTATE") STATED THAT SUCH REAL ESTATE WAS CHANGED TO BE SURVEYED, PLATTED AND SUBDIVIDED BY CARL KRAUSE III, NO. 3655, AN ILLINOIS PROFESSIONAL LAND SURVEYOR (THE "SURVEYOR") IN THE MANNER SHOWN ON THE PLAT OF SUBDIVISION ENTITLED "QUINLAN SUBDIVISION (THE "PLAT") AND THE UNDERSIGNED OWNER(S) HEREBY ADOPT, RATIFY AND CONFIRM THE PLAT FOR SUCH SUBDIVISION TO BE PERPETUALLY KNOWN AS "QUINLAN SUBDIVISION. THE UNDERSIGNED HEREBY GRANT(S) AND DEDICATE(S) TO THE PUBLIC ENTITY HAVING JURISDICTION, ITS SUCCESSORS AND ASSIGNS (WHICH SUCH PUBLIC ENTITY UPON ANNEXATION TO THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS (THE "VILLAGE") SHALL BE DEEMED TO BE THE VILLAGE), FOR PUBLIC USE, FOREVER, THE STREETS, AVENUES, DRIVES, BOULEVARDS, HIGHWAYS, COURTS, ROADS, ALLEYS AND OTHER RIGHTS OF-WAY SHOWN ON THE ATTACHED PLAT (COLLECTIVELY, THE "RIGHT-OF-WAY"), EACH OF WHICH SHALL BE KNOWN BY THE RESPECTIVE NAME DESIGNATED ON THE PLAT (UNLESS AND UNTIL RENAMED OR VACATED IN THE MANNER PROVIDED BY LAW. THE UNDERSIGNED HEREBY ACKNOWLEDGE(S), CONSENT(S), AGREE(S) AND WARRANT(S) THAT, UNDER AND PURSUANT TO SECTION 3 OF THE PLAT ACT (765 ICS 205/3), THE FOREGOING GRANT AND DEDICATION OF THE RIGHT-OF-WAY IS TO BE CONSTRUED AS A CONVEYANCE IN FEE SIMPLE OF SUCH RIGHT-OF-WAY AND AS A GENERAL WARRANTY AGAINST THE UNDERSIGNED, HIS/HER/THEIR(S) SUCCESSORS AND ASSIGNS, TO SUCH PUBLIC ENTITY FOR ITS USE, INCLUDING, BUT NOT LIMITED TO, ANY SUCH USE WHICH MAY BE AUTHORIZED BY LAW OR WHICH MAY OTHERWISE BE DEEMED NECESSARY OR USEFUL BY SUCH PUBLIC ENTITY FOR ANY PUBLIC UTILITY OR OTHER PURPOSE.

THE UNDERSIGNED HEREBY FURTHER RESERVE(S) FOR, DEDICATE(S) AND GRANT(S) TO THE VILLAGE, ITS SUCCESSORS AND ASSIGNS (INCLUDING THE PROVIDER OF ANY OTHER PUBLIC UTILITY, TELECOMMUNICATIONS OR CABLE TELEVISION SERVICES GRANTED RIGHTS OF USE UNDER FRANCHISE OR OTHER AUTHORITY FROM THE VILLAGE OR BY OPERATION OF LAW, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, COLLECTIVELY, A "VILLAGE PERMITEE"), PERPETUAL EASEMENTS IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "EASEMENT FOR AGRICULTURAL PURPOSES" ON THE PLAT (COLLECTIVELY, THE "EASEMENTS"), FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, REPAIRING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING AND MAINTAINING ANY ELECTRICAL, NATURAL GAS, TELECOMMUNICATION OR CABLE TELEVISION LINES, FACILITIES OR APPURTENANCES, ANY SANITARY SEWER, STORM SEWERS OR WATER MAINS, AND ANY AND ALL OTHER RELATED FACILITIES, INCLUDING, WITHOUT LIMITATION, ANY SUCH OTHER INSTALLATIONS, APPURTENANCES, FACILITIES AND ADDITIONS THERETO AS MAY BE REQUIRED TO FURNISH ANY SUCH SERVICES TO ANY OF THE LOTS AND THE REAL ESTATE AS SHOWN ON THE PLAT, TOGETHER WITH SUCH NECESSARY AND REASONABLE RIGHTS OF INGRESS AND EGRESS ACROSS ALL SUCH LOTS AND THE REAL ESTATE TO DO ANY OF THE FOREGOING WITHIN THE EASEMENTS. THE OWNER OF ANY SUCH LOT AS SHOWN ON THE PLAT SHALL NOT OBSTRUCT, CREATE ANY HAZARDOUS CONDITION OR PLACE ANY BUILDING, STRUCTURE, FENCE, TREE, SHRUB OR OTHER PERMANENT IMPROVEMENT OR PERMIT ANY OF THE FOREGOING TO BE DONE ON, ANY OF THE EASEMENTS UNLESS THE VILLAGE SHALL HAVE FIRST AUTHORIZED ANY SUCH OBSTRUCTION OR IMPROVEMENT IN WRITING. UTILITY SERVICE CONNECTIONS, VEGETATION OTHER THAN TREES AND SHRUBS, AND, IF APPLICABLE, OTHER STRUCTURES REQUIRED BY LAW TO BE PLACED WITHIN ANY OF THE EASEMENTS SHALL BE PERMITTED AND SHALL NOT BE CONSIDERED AN OBSTRUCTION OR IMPROVEMENT REQUIRING ANY SUCH AUTHORIZATION FROM THE VILLAGE. THE OWNER OF SUCH LOT AS SHOWN ON THE PLAT ON WHICH ANY UNAUTHORIZED OBSTRUCTION OR IMPROVEMENT IS LOCATED SHALL BE SOLELY RESPONSIBLE FOR THE COST OF REMOVING ANY SUCH UNAUTHORIZED OBSTRUCTION OR IMPROVEMENT AND WHETHER THE VILLAGE NOR ANY VILLAGE PERMITEE SHALL BE LIABLE FOR ANY DAMAGES TO ANY BUILDING, STRUCTURE, FENCE, TREE, SHRUB OR OTHER PERMANENT OBSTRUCTION OR IMPROVEMENT WHICH IS NOT SPECIFICALLY AUTHORIZED OR PERMITTED UNDER THE TERMS HEREOF.

- The owner or any subsequent owner(s) of the lot agree to construct any required public sidewalk improvements at their sole cost and expense within six (6) months of passage of a resolution adopted by the Corporate Authorities to do so or that the Village of Rantoul will construct and charge the then owner, as applicable.

- The owner agrees to enter into an annexation agreement with the Village of Rantoul agreeing to annex said property at such time as it becomes contiguous to the Village.

DATED THIS 1st DAY OF April 2019
Daniel Deane Parker Estate
 by Loren M. Jankins exec.
 STATE OF Illinois
 COUNTY OF Champaign

DRAINAGE STATEMENT

DATE: 3/28/19
 DATED: 4/15/19
 I, DAVID E. ATO, ILLINOIS REGISTERED PROFESSIONAL ENGINEER, NO. 062-47257, BEING THE OWNER(S) OF THE TRACT OF LAND SURVEYED AND PLATTED BY CARL J. KRAUSE III, ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 3655, TO BE AND BECOME KNOWN AS THE QUINLAN SUBDIVISION TO THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS (THE "SUBDIVISION"), DO HEREBY CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE SUBDIVISION OR ANY PART THEREOF; OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE OWNER(S) HAS/HAVE A RIGHT TO USE AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATE: 3/28/19
 DATED: 4/15/19
 I, DAVID E. ATO, ILLINOIS REGISTERED PROFESSIONAL ENGINEER, NO. 062-47257, BEING THE OWNER(S) OF THE TRACT OF LAND SURVEYED AND PLATTED BY CARL J. KRAUSE III, ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 3655, TO BE AND BECOME KNOWN AS THE QUINLAN SUBDIVISION TO THE VILLAGE OF RANTOUL, CHAMPAIGN COUNTY, ILLINOIS (THE "SUBDIVISION"), DO HEREBY CERTIFY THAT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THE SUBDIVISION OR ANY PART THEREOF; OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE OWNER(S) HAS/HAVE A RIGHT TO USE AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

VILLAGE OF RANTOUL APPROVALS

APPROVED BY: 3-13-19 BY: [Signature]
 DATE: 3/13/19 BY: [Signature]
 DATE: 3/15/19 BY: [Signature]
 ATTORNEY: [Signature]
 VILLAGE CLERK: [Signature]

(part of P.L.N. 03-23-300-001)

- FILE PUBLIC UTILITY EASEMENT
- 36" MAG. H.M. SET AT CORNER UNLESS NOTED OTHERWISE.
- 36" IRON ROD/CAP SET AT CORNER UNLESS NOTED OTHERWISE.

BEARINGS AND DISTANCES ON THIS SURVEY ARE GRID. DAYUM IS ILLINOIS EAST SP4 NAD 83 (2011). PREVIOUS DOCUMENTATION MAY HAVE ASSUMED DATA. THE RELATIONSHIP BETWEEN GRID AND ASSUMED, ONE TO THE OTHER, REMAIN THE SAME.

THIS SUBDIVISION LIES WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE VILLAGE OF RANTOUL.

SCHOOL DISTRICT NOTARIZED STATEMENT

THE UNDERSIGNED, BEING THE OWNER(S) OF THE REAL ESTATE DESCRIBED IN THE SUBDIVISION PLAT FOR THE SUBDIVISION KNOWN OR TO BE KNOWN AS "QUINLAN SUBDIVISION, HEREBY CERTIFY THAT, TO THE BEST OF [MY/OUR] KNOWLEDGE, THE SCHOOL DISTRICTS IN WHICH EACH TRACT, PARCEL, LOT OR BLOCK OF SUCH SUBDIVISION ARE LOCATED ARE AS FOLLOWS:
Rantoul High School DISTRICT NO. 193
Carlisle CCSS DISTRICT NO. 142

THE UNDERSIGNED FURTHER ACKNOWLEDGES THAT, UNDER AND PURSUANT TO SECTION 1.005 OF THE PLAT ACT (765 ICS 205/1.005), ANY OWNER WHO KNOWINGLY FILES AN INCORRECT STATEMENT UNDER THIS INSTRUMENT IS LIABLE FOR DAMAGES TO ANY SUBSEQUENT PURCHASER OF ANY SUCH TRACT, PARCEL, LOT OR BLOCK OF SUCH SUBDIVISION WHO RELIES ON SUCH STATEMENT TO SUCH PERSON'S DETRIMENT. DATED THIS 1st DAY OF April 2019

PRINTED OWNER(S) NAME: Daniel Deane Parker Estate by Loren M. Jankins exec.
 OWNER(S) SIGNATURE: [Signature]

PRINTED OWNER(S) NAME: _____
 OWNER(S) SIGNATURE: _____

NOTARY PUBLIC

STATE OF ILLINOIS }
 COUNTY OF CHAMPAIGN } SS
 I, THE UNDERSIGNED, A NOTARY IN AND FOR SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT Daniel Deane Parker Estate PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT APPEARED BEFORE ME THIS DAY IN PERSON AND GENERALLY ACKNOWLEDGED THAT ALL SIGNED AND DELIVERED THE SAID INSTRUMENT AS FREE AND VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL, THIS 1st DAY OF April 2019.

NOTARY PUBLIC: [Signature]

OFFICIAL SEAL
 Valerie Laney
 Notary Public, State Of Illinois
 My Commissions Expires 05/17/2021

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF CHAMPAIGN } SS
 I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT I AM THE DULY QUALIFIED AND ELECTED COUNTY CLERK OF THE COUNTY OF CHAMPAIGN, ILLINOIS, AND AS SUCH OFFICIAL, I DO HEREBY FURTHER CERTIFY THAT I FIND NO DELINQUENT GENERAL TAXES, UNPAID CURRENT GENERAL TAXES, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AS APPEARS FROM THE RECORDS IN MY OFFICE AGAINST THE FOLLOWING DESCRIBED REAL ESTATE. IN WITNESS WHEREOF, I HEREBY AFFIX MY OFFICIAL SIGNATURE AND SEAL OF SUCH OFFICE THIS 3rd DAY OF April 2019.

COUNTY CLERK OF THE COUNTY OF CHAMPAIGN, ILLINOIS: [Signature]

FLOOD HAZARD CERTIFICATE

I CERTIFY THAT NONE OF THE ABOVE DESCRIBED PROPERTY APPEARS TO BE LOCATED IN A FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS INDICATED ON THE CHAMPAIGN COUNTY COMMUNITY PANEL, MAP NUMBER 17010002000 WITH AN EFFECTIVE DATE OF OCTOBER 2, 2013.

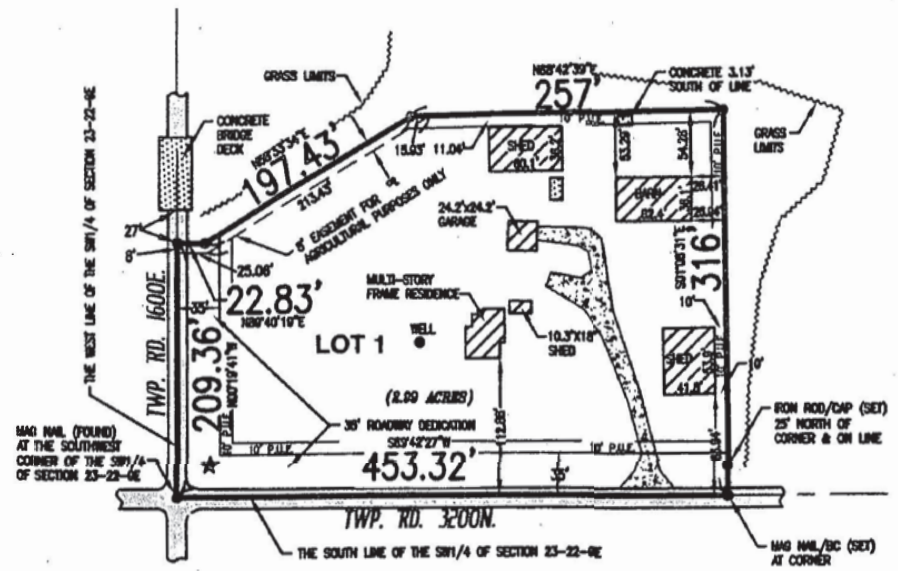
ILLINOIS PROFESSIONAL LAND SURVEYOR # 3655: [Signature]

PROFESSIONAL LAND SURVEYOR
 CARL J. KRAUSE III
 3655
 CULLOM ILLINOIS
 STATE OF ILLINOIS

KRAUSE SURVEYING INC.
 ILLINOIS PROFESSIONAL DESIGN FIRM 004-08-047
 115 WEST HICK ST. - P.O. BOX 338 - CULLOM, IL 62629
 PHONE (815) 676-0090 - FAX (815) 676-4690
 C. C. KRAUSE SURVEYING INC. - ALL RIGHTS RESERVED
 DISTANCES ARE MARKED IN FEET AND DECIMALS
 CHAMPAIGN H.M. SURVEYING STANDARDS
 CHAMPAIGN H.M. SURVEYING STANDARDS



2019R04570 1 OF 2



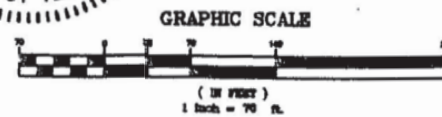
LEGAL DESCRIPTION

of A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 22 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, CHAMPAIGN COUNTY, ILLINOIS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 23 AND RUNNING: THENCE NORTH 07°19'41" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 209.36 FEET; THENCE NORTH 89°40'19" EAST, PERPENDICULAR TO SAID WEST LINE, 22.83 FEET; THENCE NORTH 56°33'34" EAST, 197.43 FEET; THENCE NORTH 89°42'30" EAST, 257.80 FEET; THENCE SOUTH 01°09'31" EAST, 316.00 FEET, TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 23; AND THENCE SOUTH 89°42'22" WEST, ALONG SAID SOUTH LINE, 453.32 FEET, TO THE POINT OF BEGINNING, CONTAINING 2.89 ACRES OF LAND MORE OR LESS.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS, FOR AGRICULTURAL PURPOSES ONLY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 23 AND RUNNING: THENCE NORTH 07°19'41" WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 209.36 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 89°40'19" EAST, PERPENDICULAR TO SAID WEST LINE, 22.83 FEET; THENCE NORTH 56°33'34" EAST, 197.43 FEET; THENCE NORTH 89°42'30" EAST, 257.80 FEET; THENCE SOUTH 01°09'31" EAST, 316.00 FEET, TO A POINT ON THE AFOREMENTIONED WEST LINE OF THE SOUTHWEST QUARTER; AND THENCE NORTH 07°19'41" WEST, ALONG SAID WEST LINE, 8.00 FEET, TO THE POINT OF BEGINNING.

★ - AREA HEREBY DEDICATED FOR ROADWAY PURPOSES (36" FROM EXISTING CENTER OF PAYMENT)

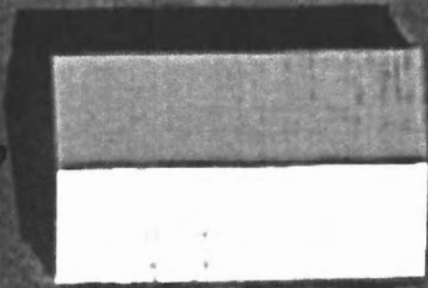
PROFESSIONAL LAND SURVEYOR
 CARL J. KRAUSE III
 3655
 CULLOM ILLINOIS
 STATE OF ILLINOIS



STATE OF ILLINOIS
 COUNTY OF UNKINGTON } SS
 I, CARL J. KRAUSE III, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE PLAT HEREBY DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY, AND THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 CULLOM, ILLINOIS
 3-8-2019
 ILLINOIS PROFESSIONAL LAND SURVEYOR #3655
 LICENSE EXPIRES NOVEMBER 30, 2020

- NOTES
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITTEE, NONE WAS PROVIDED. THERE MAY BE CHANGES OR OTHER MATTERS OF RECORD OR NOT OF RECORD, AFFECTING THIS PROPERTY WHICH ARE NOT SHOWN.
 - NO TITLE OR EASEMENT DOCUMENTATION WAS PROVIDED BY THE CLIENT.
 - PLEASE CHECK LAND DESCRIPTION WITH DEED AND REPORT ANY DISCREPANCY IMMEDIATELY.
 - COMPARE ALL POINTS BEFORE BUILDING BY SAME AND REPORT ANY DISCREPANCY AT ONCE.
 - BUILDING LINES, IF ANY, SHOWN HEREON ARE BUILDING LINES SHOWN ON THE RECORDED SUBDIVISION PLAT, FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ARCHITECT, DEED, CONTRACT AND LOCAL, BUILDING LINE REGULATIONS.

PROPOSED
SITE

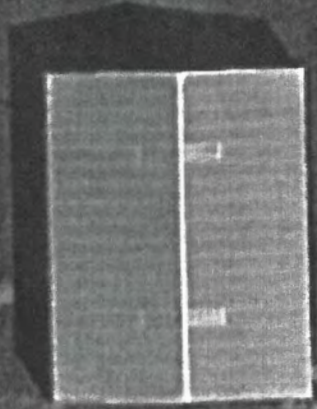


RECEIVED

OCT 07 2020

CHAMPAIGN CO. P & Z DEPARTMENT

DECOMIS.
SEPTIC +
WATER
DISCON.



Google

989-V-20 Site Images



From CR 1600E facing east; shed to be converted is on the left



From CR 3200N facing north; shed is the white one behind the farthest utility pole

989-V-20 Site Images



Closeup of shed



From CR 1600E facing east, closer to CR 3200N

PRELIMINARY DRAFT

989-V-20

**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: *{December 3, 2020}*

Petitioner: **Matt and Sherrie Faulkner**

Request: **Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture Zoning District, per Section 5.3. of the Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 3, 2020**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The petitioners, Matt and Sherrie Faulkner, own the subject property.
- 2. The subject property is the 2.99-acre Lot 1 of Quinlan Subdivision in Section 23, Township 22 North, Range 9 East of the Third Principal Meridian, in Ludlow Township and commonly known as the residence at 1604 CR 3200N, Rantoul.
- 3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Rantoul, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The subject property is located within Ludlow Township, which does not have a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

- 4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is currently zoned AG-1 Agriculture. Land use is vacant residential.
 - B. Land to the north and east is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the west is zoned AG-1 Agriculture and is residential and agricultural in use.
 - D. Land to the south is zoned AG-2 Agricultural 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 October 7, 2020, indicates the following:
 - (1) Existing buildings were all constructed prior to adoption of the Zoning Ordinance on October 10, 1973:
 - a. One 1,625 square feet decommissioned house;
 - b. One 24 feet by 24 feet detached garage;
 - c. One 35 feet by 60 feet shed, to be renovated;
 - d. One 34 feet by 62 feet barn;
 - e. One 54 feet by 40 feet shed;
 - f. One well located west of the decommissioned house; and
 - g. One septic system located north of the decommissioned house.

PRELIMINARY DRAFT**Case 989-V-20**

Page 3 of 9

- (2) The petitioner proposes to renovate the 35 feet by 60 feet shed into a single-family residence.
 - a. A Change of Use Permit will be required for converting the shed into a dwelling.
- B. There are no previous Zoning Use Permits for the subject property:
- C. There are no previous zoning cases for the subject property.
- D. The required variance is for an existing detached shed to be converted to a dwelling with a side yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture Zoning District.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding authorization for the proposed variance:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
 - (1) “ACCESSORY BUILDING” is a BUILDING on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, and subordinate to and used for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “BUILDING, 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.
 - (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) “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, 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.

PRELIMINARY DRAFT

- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. 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.

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, **“We would like to make a house out of an existing shed. The shed has been in the same location since 1950s. Property was sectioned from 175 acre farm.”**
 - B. The existing shed the petitioners want to convert meets the required 10 feet side yard for a detached accessory structure, but not for a principal structure, which requires 15 feet.

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:

PRELIMINARY DRAFT**Case 989-V-20**

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- A. The Petitioner has testified on the application, **“The property was sectioned from a larger piece of land. It was surveyed and the new property line is 11 feet and one-half inch from the shed.”**
- B. Regarding the proposed variance: without the proposed variance, the petitioner would have to move the shed or purchase an additional four feet from the neighbor to the north.

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

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No.”**
 - B. All buildings on the subject property existed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - C. Quinlan Subdivision, which created the 2.99-acre lot, was approved by the Village of Rantoul on March 15, 2019.
 - D. According to the Assessor’s property records, the petitioners purchased the property on April 26, 2019.

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, **“We will be improving the property. We will be tearing down an old dilapidated house when we are done with new construction.”**
 - B. Regarding the proposed Variance for a principal building with a side yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture District: the requested variance is 73.6% of the minimum required, for a variance of 26.4%.
 - C. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: The 2.99-acre subject property is in residential use. The surrounding properties are either in agricultural production or residential in use.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Ludlow Fire Protection District and the station is approximately 3.7 road miles from the subject property. The nearest structure is a residence approximately 370 feet to the west on the other side of CR 1600E.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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: **“It is an existing building we are improving.”**
 - B. The Ludlow Township Road Commissioner has been notified of this variance, and no comments have been received.
 - C. The Ludlow Fire Protection District has been notified of this variance, and no comments have been received.
 - D. The nearest structure is a residence approximately 370 feet to the west on the other side of CR 1600E.

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: **“After new construction is complete we will tear old house down.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for the addition to the shed.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Variance Application received October 7, 2020, with attachments:
 - A Site Plan
 - B Plat of Quinlan Subdivision
 - C Google Earth aerial photo
 - D Floor plan of proposed dwelling

2. Preliminary Memorandum dated November 24, 2020, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received October 7, 2020
 - C Plat of Quinlan Subdivision received October 7, 2020
 - D Google Earth aerial photo received October 7, 2020
 - E Images of Subject Property taken November 6, 2020
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination December 3, 2020

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **989-V-20** held on **December 3, 2020**, 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:}***

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for the addition to the shed.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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 **989-V-20** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Matt and Sherrie Faulkner**, to authorize the following variance:

Authorize a variance for an existing detached shed to be converted to a dwelling with a side yard of 11 feet and one-half inch in lieu of the minimum required 15 feet in the AG-1 Agriculture Zoning District, per Section 5.3. of the Zoning Ordinance

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **A Change of Use Permit shall be applied for in conjunction with the Zoning Use Permit for the addition to the shed.**

The special condition stated above is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

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