

CASE NO. 053-V-22

PRELIMINARY MEMORANDUM

May 3, 2022

Petitioner: Champaign County Humane Society, via agent Darren Taylor

Request: Authorize the following variance in the I-1 Light Industry Zoning District on the subject property described below:

Part A: Authorize a variance for parking 0 feet from the front lot line in lieu of the minimum distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.

Part C: Authorize a variance for one loading berth in lieu of the minimum required two loading berths, per Section 7.4.2 C.5. of the Zoning Ordinance.

Subject Property: Lots 4 and 5 of L & O Industrial Park Addition, Section 16, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as the proposed Champaign County Humane Society facility with an address of 4005 Kearns Drive, Champaign.

Site Area: 1.98 acres

Time Schedule for Development: As soon as possible

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

BACKGROUND

Champaign County Humane Society decided several years ago that they would move from their current facility at 1911 East Main St, Urbana to a different location to better serve their needs. In 2021, they applied for a Change of Use Permit to establish a kennel on the subject property under ZUPA #228-21-04. Staff review of their plans for the site indicated they would need three variances related to parking and loading berths.

Variance Part A is required because there is an existing parking lot on the north side of the property that abuts the front property line. The Zoning Ordinance requires ten feet between a parking space and the front parking line. The variance is for 0 feet in lieu of 10 feet distance.

Variance Part B is required because the proposed facility has room for 47 parking spaces, but the Zoning Ordinance requires 90 spaces. The Zoning Ordinance calculates the required number of parking spaces based on square footage of office areas, number of seats in training areas, and number of employees, among other factors. In their application, the petitioners provided evidence that their current operations require no more than 40 spaces.

Variance Part C is required because the proposed facility has only one loading berth. The Zoning Ordinance bases the number of required loading berths on the square footage of the facility, and the proposed facility requires two berths.

Limiting factors for the variances include existing buildings, a ditch between the north property line and Kearns Drive, and an existing septic field on the south end of the subject property.

No special conditions are proposed, and no comments have been received to date.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Proposed kennel	I-1 Light Industry
North	Industrial	I-1 Light Industry
East	Industrial	I-1 Light Industry
West	Industrial	I-1 Light Industry
South	Industrial	City of Champaign zoning

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning.

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

PROPOSED SPECIAL CONDITIONS

No special conditions are proposed at this time.

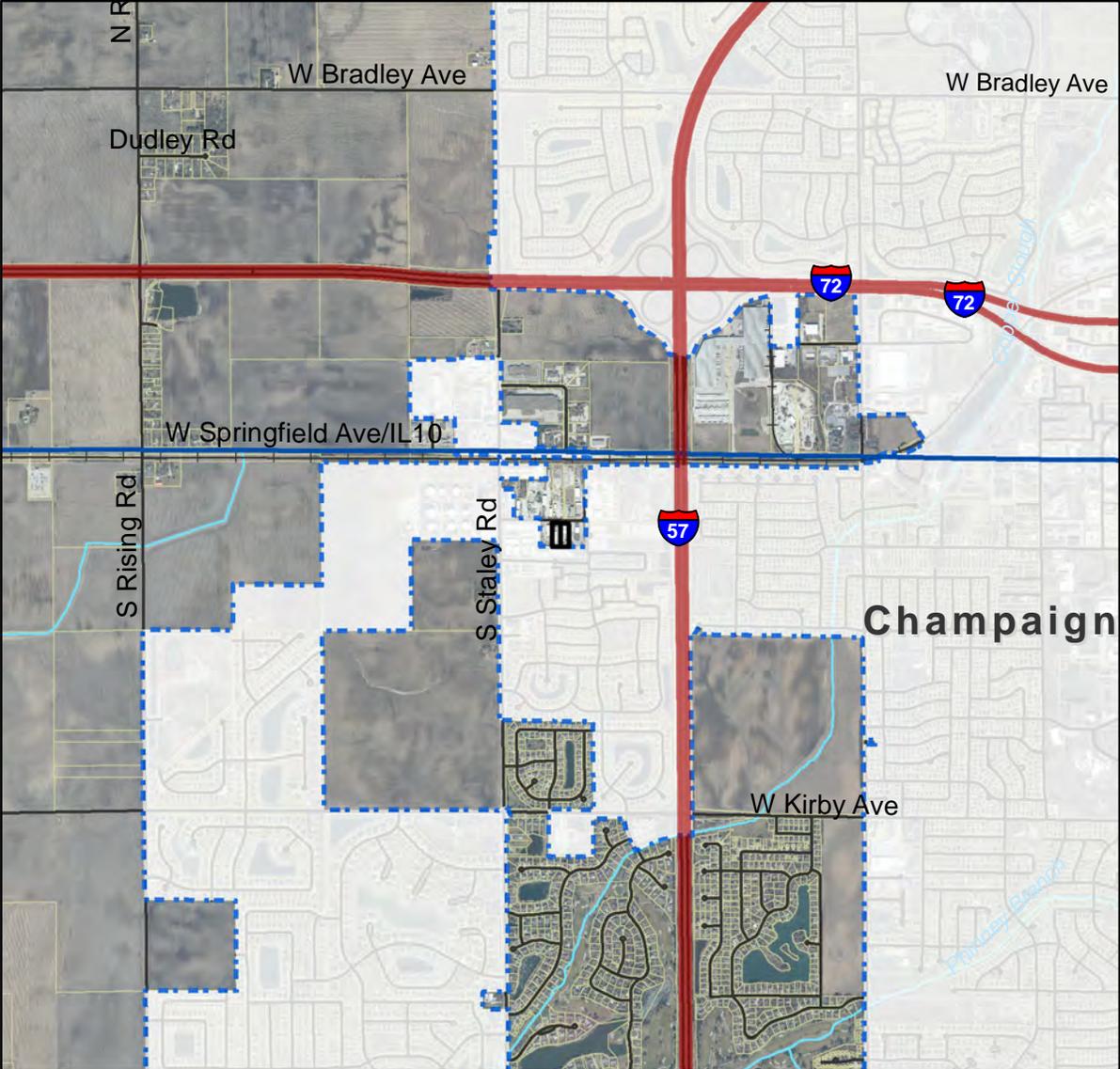
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Exhibit A: Site Plan received April 14, 2022
- C Exhibits B - E: street view of Kearns Dr, aerial representations of proposed facility
- D Images of Subject Property taken April 21, 2022
- E Draft Summary of Evidence, Finding of Fact, and Final Determination dated May 12, 2022

Location Map

Case 053-V-22
May 12, 2022

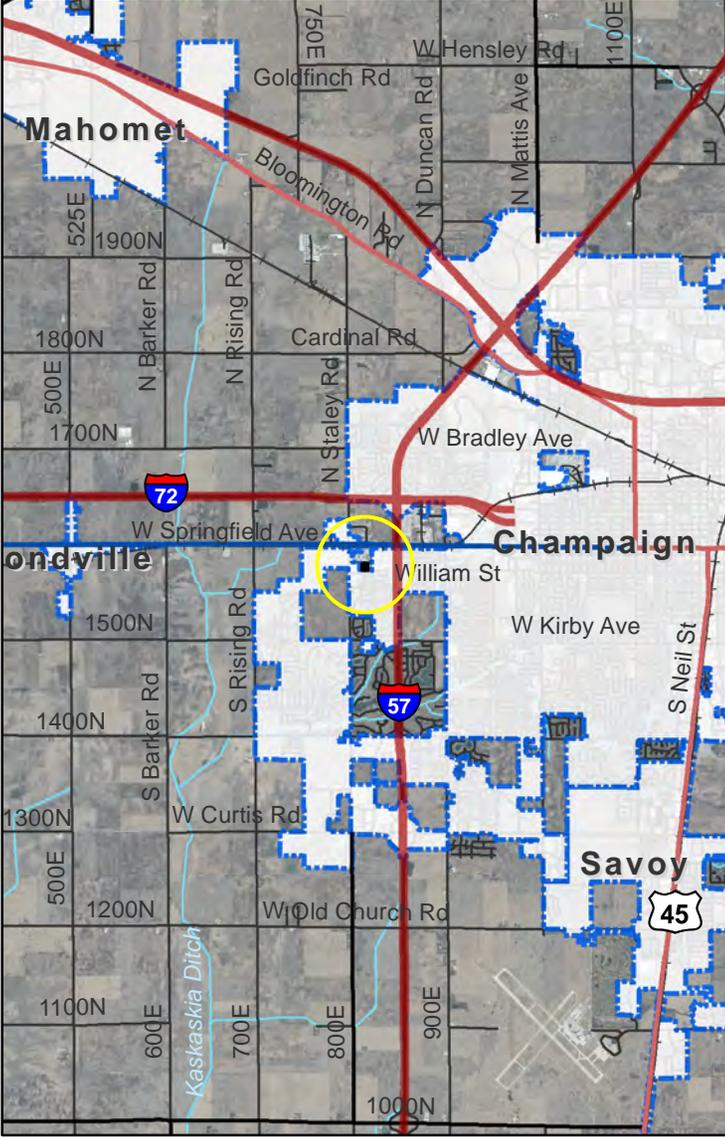
Subject Property



-  Subject Properties
-  Municipal Boundary
-  Parcels

0 0.1250.25 0.5 Miles

Property location in Champaign County



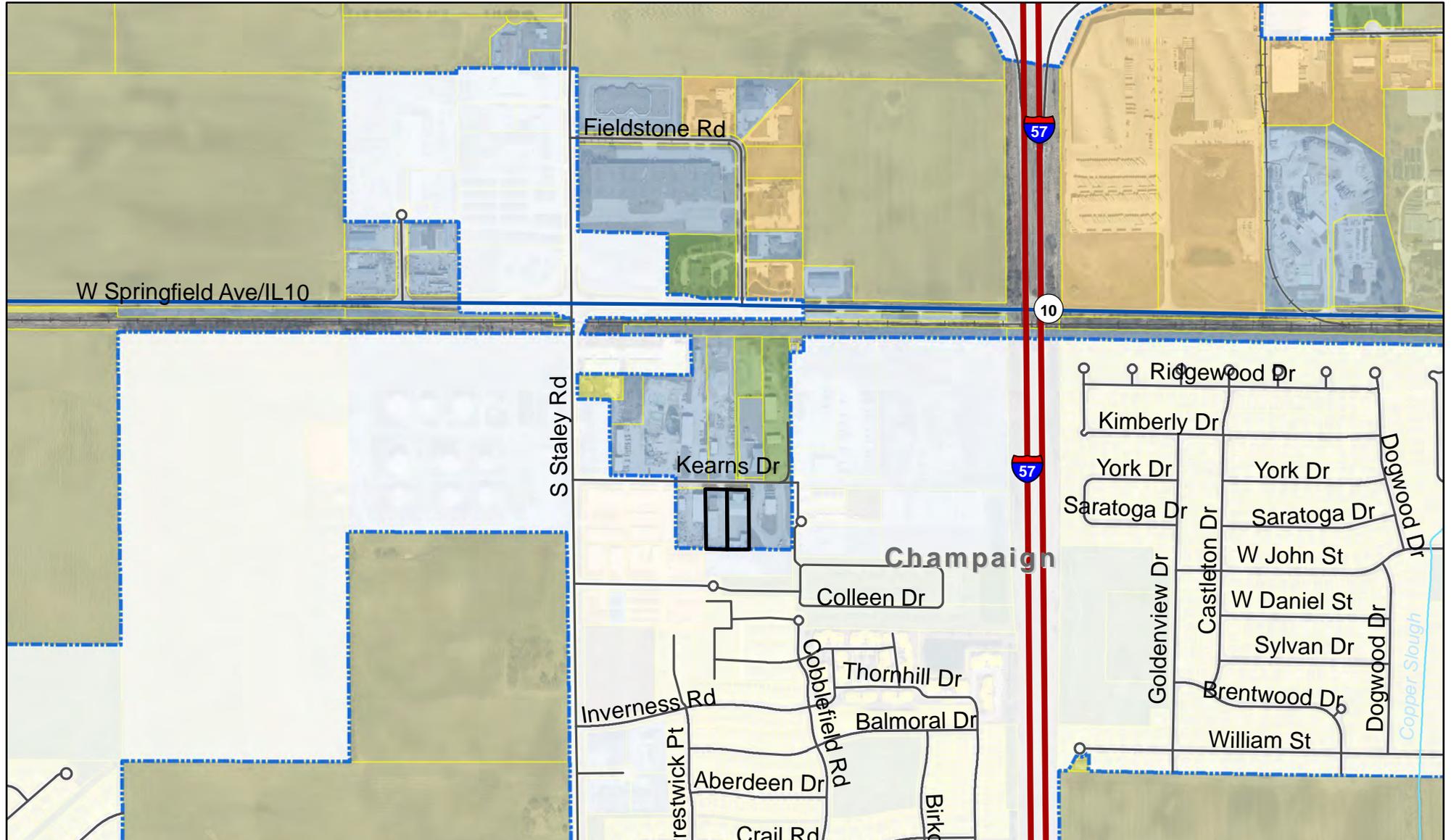
0 0.5 1 2 Miles



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 053-V-22
May 12, 2022



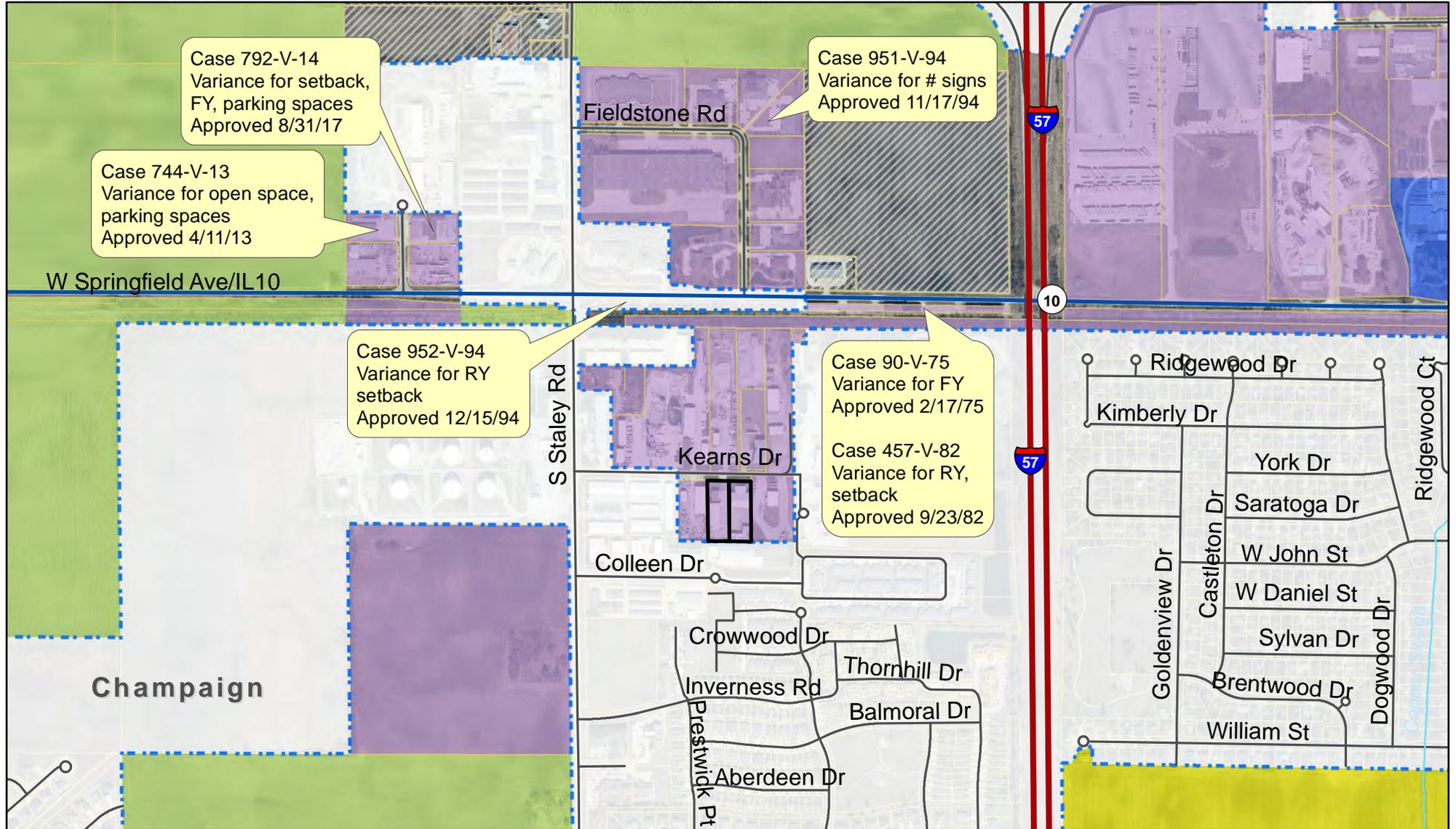
- | | | |
|--------------------|----------------|-------------|
| Subject Properties | Tax Exempt | Residential |
| Parcels | Agriculture | Commercial |
| | Ag/Residential | Industrial |

0 200 400 800 Feet

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Department of
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Zoning Map

Case 053-V-22
May 12, 2022



Case 792-V-14
Variance for setback,
FY, parking spaces
Approved 8/31/17

Case 744-V-13
Variance for open space,
parking spaces
Approved 4/11/13

Case 951-V-94
Variance for # signs
Approved 11/17/94

Case 952-V-94
Variance for RY
setback
Approved 12/15/94

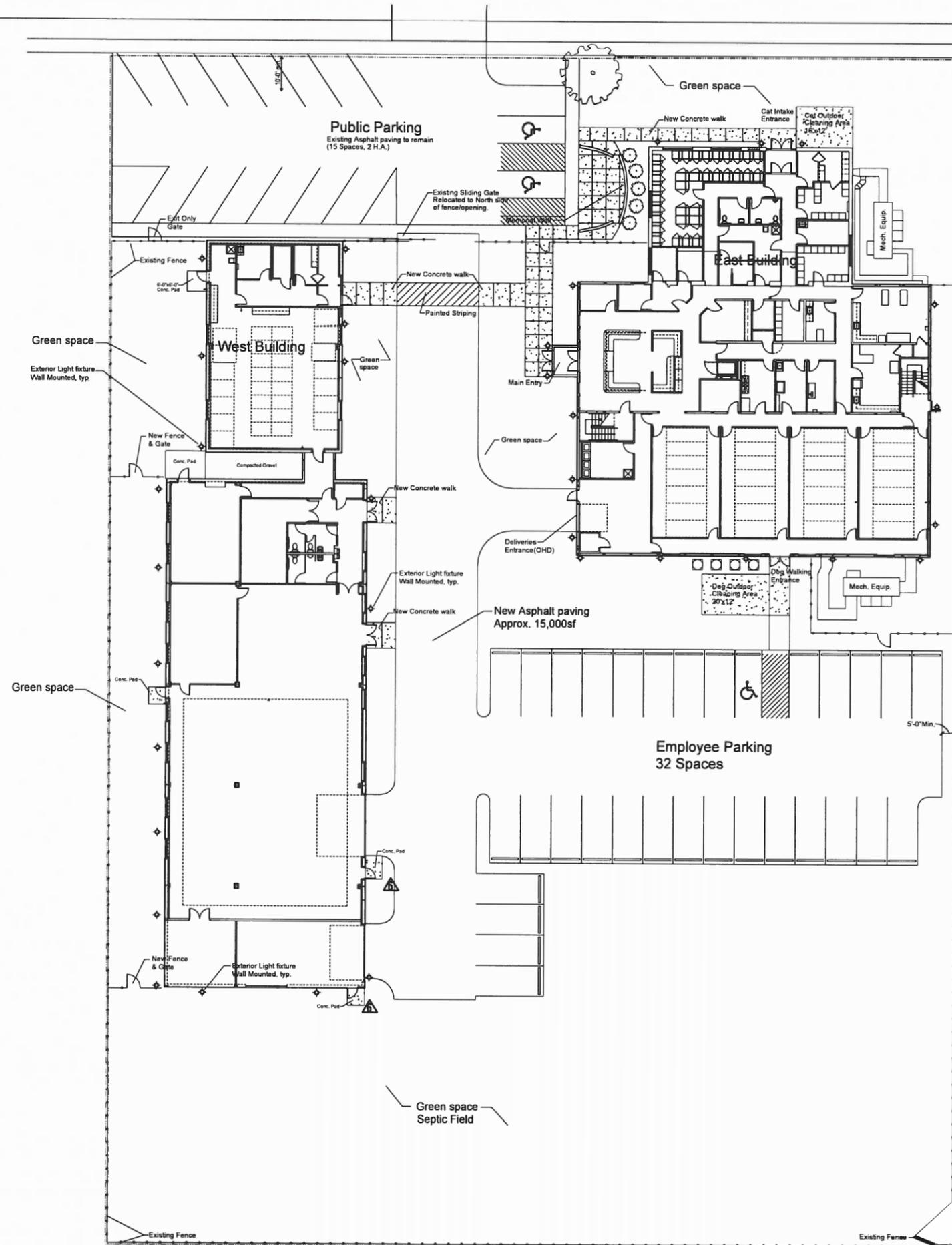
Case 90-V-75
Variance for FY
Approved 2/17/75

Case 457-V-82
Variance for RY,
setback
Approved 9/23/82

- Subject Properties
- Parcels
- Annexation Agreement
- AG-1 Agriculture
- AG-2 Agriculture
- R-2 Single Family Residential
- B-4 General Business
- I-1 Light Industry



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APR 13 2022

CHAMPAIGN CO. P & Z DEPARTMENT

General Notes

Parking Summary
 North Lot
 15 spaces
 South Lot
 32 spaces
Total
 47 spaces
 Includes 3 HA spaces

See: Expires 11-30-22

Signature		Date	
No.	Rev's, on/issue	Date	

Firm Name and Address
JSM
 Development Services, LLC
 505 S. FIFTH STREET
 CHAMPAIGN, ILLINOIS 61820
 (217) 359-5835 (217) 359-5839 -FAX
 IL. LICENSE # 184.004870-0001

Project Name and Address
CCHS
 Renovation Plans for a
 New Facility
 4003 KEARNS DR.
 CHAMPAIGN, IL

Project 20-57	Sheet
Date 2-28-22	A1.1
Scale -	

 **Site Plan - New Work**
 SCALE: 1/16"=1'-0"



EXHIBIT B

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EXHIBIT C

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EXHIBIT D

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GROUP EXHIBIT E



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CHAMPAIGN CO. P & Z DEPARTMENT

GROUP EXHIBIT E

053-V-22 Site Images



From Kearns Dr facing south to east building



From Kearns Dr facing SW to west building

053-V-22 Site Images



From Kearns Dr, west end of subject property, showing ditch and north parking lot



East building at left, west building at right

PRELIMINARY DRAFT

053-V-22

**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: *{May 12, 2022}*

Petitioners: **Champaign County Humane Society, via agent Darren Taylor**

Request: **Authorize the following variance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A: Authorize a variance for parking 0 feet from the front lot line in lieu of the minimum distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.

Part C: Authorize a variance for one loading berth in lieu of the minimum required two loading berths, per Section 7.4.2 C.5. of the Zoning Ordinance.

Table of Contents

General Application Information..... 2

Required Variance..... 3

Specific Ordinance Requirements..... 3 - 5

Variance Evidence 5 - 10

Documents of Record 11

Case 053-V-22 Findings of Fact..... 12 - 13

Case 053-V-22 Final Determination..... 14

PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 12, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Champaign County Humane Society owns the subject property.
2. The subject property is the 1.98-acre Lots 4 and 5 of L & O Industrial Park Addition, Section 16, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township and commonly known as the proposed Champaign County Humane Society facility with an address of 4005 Kearns Drive, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning.
 - B. The subject property is located within Champaign Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 1.98-acre subject property is zoned I-1 Light Industry. Land use is the proposed kennel/animal adoption facility.
 - B. Land to the north is also zoned I-1 Light Industry and is in use as the Champaign Township Facility and a concrete batch plant.
 - C. Land to the east is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the south is within the City of Champaign and is industrial in use.
 - E. Land to the west is zoned I-1 Light Industry and is industrial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan received April 13, 2022, indicates the following:
 - (1) Existing features on the subject property include:
 - a. One 10,342 square foot "east building";
 - b. One 11,512 square foot "west building";
 - c. One north parking lot with 15 parking spaces, including 1 accessible space.
 - (2) Proposed features include:
 - a. One 67 square foot vestibule on the west side of the east building;

PRELIMINARY DRAFT**Case 053-V-22**

Page 3 of 14

- b. One south parking lot with 32 parking spaces, including 1 accessible space;
 - c. A septic field on the south end of the subject property.
- B. The following are previous Zoning Use Permits for the subject property:
- (1) ZUPA #135-78-03 was approved on May 29, 1978, to construct the north part of the west building.
 - (2) ZUPA #261-87-05 was approved on September 18, 1987, to construct the east part of the south building.
 - (3) ZUPA #175-92-02 was approved on June 30, 1992, to construct the north part of the east building.
 - (4) ZUPA #178-92-02 was approved on October 14, 1992, to construct the south part of the west building.
 - (5) ZUPA #224-93-01 was approved on August 18, 1993, to install a sign.
 - (6) ZUPA #300-97-03 was approved on October 28, 1997, to install three canopy signs.
 - (7) ZUPA #036-16-02 was approved on February 26, 2016, to construct the south part of the east building and the previously constructed west part of the south building.
- C. There are no previous Zoning Cases for the subject property.
- D. The required variance is for the following:
- (1) Part A: Authorize a variance for parking 0 feet from the front lot line in lieu of the minimum distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning Ordinance
 - (2) Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.
 - (3) Part C: Authorize a variance for one loading berth in lieu of the minimum required two loading berths, per Section 7.4.2 C.5. of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variances:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
 - (1) “BERTH, LOADING” is a stall of dimensions herein specified, adjacent to a LOADING DOCK for the maneuvering and parking of a vehicle for loading and unloading purposes.
 - (2) “KENNEL” is a LOT or PREMISES on which six or more dogs or six or more cats (or any combination thereof) at least six months of age are kept, boarded, bred, or

PRELIMINARY DRAFT

retained for compensation; or a LOT or PREMISES on which dogs and/or cats are raised and offered for sale, adoption, or exchange, with or without compensation.

- (3) “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.
 - (4) “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.
 - (5) “LOT LINES” are the lines bounding a LOT.
 - (6) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.
 - (7) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
 - (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.
- B. The I-1 Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- 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.

PRELIMINARY DRAFT**Case 053-V-22**

Page 5 of 14

- (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. The minimum setback between a parking space and the front lot line is established in Section 7.4.1 A.3. of the Zoning Ordinance as 10 feet.
- E. The minimum number of parking spaces is established in Section 7.4.1 C.3.e. of the Zoning Ordinance based on the types of areas proposed in the facility.
- F. The minimum number of loading berths for a facility with 10,000 to 24,999 square feet is established in Section 7.4.2 C.5. of the Zoning Ordinance as two 10 feet by 40 feet loading berths.

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:

- (1) Regarding variance Part A: **“The North Parking Lot is surrounded by two buildings erected upon the Property and a watercourse located directly to the north, but also adjoins the neighboring boundary line to the west. This leaves little to no room for expansion of the North Parking Lot, so any material changes to the North Parking Lot will likely lead to a reduction of overall spaces.**

Further, the North Parking Lot has been in existence for many years without any current or prior known issues. Consequently, CCHS is not requesting a variance to install a new parking lot but is instead seeking a variance to use the existing North Parking Lot in seeking a building permit approval.

The Property is two acres and has three buildings. Initially, the buildings and adjoining property line to the west prevent any meaningful expansion of the North Parking Lot. There is also a large iron gate securing most of the Property from the North Parking Lot. Visitors who do not have authorized access will be restricted to the North Parking Lot. This is an essential aspect to the Property and aligns with CCHS' intended uses. The North Parking Lot will be used by public visitors who would not normally access the secured area. By design, the buildings' entrances and exits for all animal intakes (surrendering) and departures (adoptions) are close to the North Parking Lot. This proximity is essential for safe and efficient movement of animals and people. The secured parking area, behind the East Building, will be used more commonly by staff, volunteers, and other affiliates (partner agencies, vendors, donors, directors). Therefore, the ability to maintain the North Parking Lot is vital to the use of the Property.

Furthermore, there is a watercourse (drainage ditch) between the North Parking Lot and Kearns Drive. This watercourse is an unusual feature when it comes to design as it prevents further expansion to the north while still

PRELIMINARY DRAFT

providing a protective buffer between the North Parking Lot and the public right of way (Kearns Drive).”

- (2) Regarding variance Part B: **“The Property includes three (3) buildings, a septic tank and leach field, and adjoining properties in all directions. The buildings prevent expansion beyond the available, unimproved areas. The adjoining property lines are fenced and prevent expansion in those directions. Notwithstanding these limitations, all of the available areas inside the secured area of the Property are earmarked for parking spaces, are ingress and egress driveways, or are proposed green spaces.**

The proposed green spaces include grass, shrubs, small trees and other landscaping concepts (see Exhibit to Application). Not only will it provide safe space for animal welfare and interaction, but it also promotes natural aesthetics. However, beyond these benefits, these green areas also serve a fundamental purpose for the Property's sanitary and drainage systems. The Property is serviced by a septic tank that includes a (subterranean) leach field which extends south of the Main Building (see Exhibit to Application). Leach fields are vital to the integrity of the septic system. Improvements should not be made upon a leach field - to include pavement, rock or concrete - as it will compromise the sustainability of the system. Accordingly, the amount of parking spaces proposed by CCHS is the maximum the Property will accommodate.

Also, the nature of the Property's topography would require a new drainage assessment if the green space is reduced in favor of more pavement. The paved areas accumulate more runoff and drainage than grass, so further analysis would be needed. Notwithstanding all of this, if forced to include more spaces, they would go unused as CCHS' operations would not compel that many.”

- B. Regarding the variance for parking within ten feet of the front lot line: a watercourse to the north and buildings to the south leave no room for reconfiguring the north lot unless the number of parking spaces are reduced.
- C. Regarding the variance for number of parking spaces: current and historic operations provide a reasonable estimate of the number of needed parking spaces at the proposed facility, and the petitioner suggests they will never need more than 40 parking spaces.
- D. Regarding the proposed variance for one loading berth: there is one existing loading berth at the southwest corner of the east building and no other location to accommodate a second loading berth without reducing the number of parking spaces.

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:

PRELIMINARY DRAFT**Case 053-V-22**

Page 7 of 14

- (1) Regarding variance Part A: **“CCHS would incur significant expense if forced to demolish or relocate any of the current buildings to move the North Parking Lot more southerly. Any effort to do this would undoubtedly reduce the number of overall spaces available too, as it will reduce the North Parking Lot's footprint. Moreover, there are two designated handicap spots in the North Parking Lot. CCHS's dumpster will also be stored in this area for weekly refuse pick-up to prevent full access to the secured area. Expansion would therefore impact the handicap spaces available for the North Parking Lot, which is to be used mainly by the public and waste management services.”**
- (2) Regarding variance Part B: **“As mentioned above, following the strict letter of the ordinance would reduce the green spaces available, compromise the septic system, create more drainage issues, and force CCHS to incur significant expenses for parking spots that will generally always go unused. The amount of parking spots required by the County is calculated by a formula that takes into consideration terms like "training" and "education" when reviewing square footage. In this case, "training" and "education" specifically refer to ancillary programs of CCHS, not full-time activities. Although at times there will be invitees attending programs (with or without their pets), these events will be held outside of normal business hours and thus will have little to no impact on the parking situation.”**
- B. Regarding the variance for parking within ten feet of the front lot line: without the proposed variance, the number of parking spaces in the north lot would be reduced from 15 to 9, which would increase the amount of variance needed for number of parking spaces.
- C. Regarding the variance for number of parking spaces: without the proposed variance, the petitioners would be required to forego the existing septic system to make room for more parking, and undertake the expense of annexing to the city sewer and other costs of annexing to the city.
- D. Regarding the proposed variance for one loading berth: without the proposed variance, four parking spaces would need to be removed to create one more loading berth, which would increase the amount of variance needed for number of parking spaces.

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:
- (1) Regarding variance Part A: **“No. The North Parking Lot and all buildings on the Property existed prior to the purchase of the Property by CCHS.”**
- (2) Regarding variance Part B: **“No. All improvements to include the buildings, septic tank, and the septic system, which includes the location of the leach field, existed prior to CCHS purchasing the Property. CCHS has worked diligently with its architect, construction manager, general contractor and subcontractors to accommodate as many parking spaces as possible.”**

PRELIMINARY DRAFT

- B. Regarding the variance for parking within ten feet of the front lot line: the north parking lot is existing and cannot be increased in size to accommodate a ten-foot setback.
- C. Regarding the variance for number of parking spaces: there is no additional area for parking spaces due to the existing buildings and septic field.
- D. Regarding the variance for loading berth: the petitioners were not made aware of this requirement by P&Z Staff; it was discovered after the site plan was received.

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,
 - (1) Regarding variance Part A: **“The ordinance is meant to prevent new construction from being in violation of the required set back. The North Parking Lot has been in existence for many years without any current or prior known issues. The Application is not based on any intervenor claiming the Property and the North Parking Lot has created issues. CCHS is not seeking a variance to install a new parking lot but is instead seeking the approval to use this lot as it has always been used to obtain the approval for a construction permit as to the full refurbishment of the Property.**

The drainage ditch also creates a buffer between the North Parking Lot and Kearns Drive. The intent of the ordinance is to prevent traffic congestion and related issues, but this drainage ditch creates the same result. It prevents unfettered ingress/egress to Kearns Drive from the North Parking Lot. Access over the drainage ditch is limited to standard entry lane coming into and out of the North Parking Lot.”

 - (2) Regarding variance Part B: **“The number of spaces required by the County is not necessary for the operations of CCHS. The ordinance is meant to ensure there are enough spots for foreseeable visitors. The spaces provided are adequate and the ordinance's true intent and purpose is satisfied.**

CCHS determined during normal working hours of 8:00 a.m. to 11:00 a.m., there will be roughly 15 employees and 5-8 volunteers at the Property. Between 11:00 a.m. and 5:00 p.m., there will be roughly 17-18 employees and 2-6 volunteers present. When factoring in public visitors between 2:00 p.m. and 7:00 p.m., the average increases by 6-8 additional cars. However, at 5:00 p.m. the aforementioned employees and volunteers begin to leave. Between 5:00 p.m. and 7:30 p.m., there is usually only 5 employees and 4-6 volunteers with an additional 6-8 public visitors present. Meaning, spaces that exceed 30 will most likely go unused.

When factoring in the new activities proposed for the Property (training, education), there will be on average 8 "class members" for each class. Since these events will all occur in the evenings, most employees and volunteers will

PRELIMINARY DRAFT**Case 053-V-22**

Page 9 of 14

have left the Property for the evening already. CCHS does not expect more than 40 cars at the peak of its operations at the Property (this total assumes the highest possible use, which is a board meeting occurring at the Property during normal working hours - between 5:00 p.m. and 7:00 p.m. - and with training being held, which is very unlikely to all occur simultaneously). Accordingly, if required to install even more spaces, there will be at least fifteen (15) spots that go unused during the busiest of times.”

- B. Regarding the variance for parking within ten feet of the front lot line: the requested variance is 0% of the minimum required, for a variance of 100%.
- C. Regarding the variance for 47 parking spaces in lieu of 90 spaces: the requested variance is 52.2% of the minimum required, for a variance of 47.8%.
- D. Regarding the variance for one loading berth in lieu of two berths: the requested variance is 50% of the minimum required, for a variance of 50%.
- E. Regarding the parking setback from the front lot line: the Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
 - (1) Safer access to and from the property for both road users and clients. There is a ditch between Kearns Drive and the north parking lot that serves to funnel access safely to and from the north parking lot.
 - (2) Adequate room for infrastructure maintenance and expansion. There are no known plans to expand or widen Kearns Drive.
- F. Regarding the requirements for the minimum number of parking spaces: the Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably, the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
- G. Regarding the minimum requirements for the number of loading berths: off-street loading berths are presumably required to minimize congestion in the street when deliveries are made.

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:
 - (1) Regarding variance Part A: **“The property sitting directly to the west of the Property also has a parking lot located approximately the same distance from Kearns Drive as the North Parking Lot. However, this neighboring property does not have a drainage ditch buffering the parked cars from the public right of way like the Property does. In fact, that neighboring property filled the**

PRELIMINARY DRAFT

entire ditch in with concrete and made it one large driveway for the very same parking lot. This is the same for the property sitting the east and the one sitting to the northeast of the Property. Meaning only, allowing the North Parking Lot to stay where it is will not be injurious to the neighborhood.”

- (2) Regarding variance Part B: **“Allowing this variance will not be injurious to the neighbors as it will have no direct impact either way. Most of these buildings were erected prior to the ordinance (such as CCHS' Property), so the effect of this variance would be minimal at worst and nonexistent at best. Moreover, by allowing for increased green spaces, and while maintaining the general course of natural drainage at the Property, the variance will actually protect the adjoining owners.**

Furthermore, after public notice of this hearing is provided, the expectation of CCHS is that there will be no negative comments made from the public, any neighboring property owners, the fire department or the police department.”

- B. The Champaign Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The City of Champaign Fire Department has been notified of this variance and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioner has testified on the application:
- (1) Regarding variance Part A: **“Any effort to expand the size of the North Parking Lot would be extremely difficult and expensive. CCHS is not seeking money, subsidy, or any other incentive, and is not seeking any use or dimensional variance, but instead, is asking to continue using the North Parking Lot as its always existed.”**
- (2) Regarding variance Part B: **“If forced to include more parking spaces, the County would effectively compel CCHS to seek annexation with the City of Champaign to avoid the need of a septic system (i.e., leach field). This will cause CCHS to incur great expense as it will compel new drawings from the architect, new proposals and estimates from the plumbers and contractors, and an effort to reconfigure the green spaces, drainage systems and animal welfare areas. CCHS is not asking the County for any money, subsidy, or other reimbursement, nor a use or dimensional variance, but instead, only to be allowed to install an amount of parking spaces actually needed.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No special conditions are proposed.

DOCUMENTS OF RECORD

1. Variance Application received April 13, 2022, with attachments:
 - A Addendum by Harrington Law
 - B Exhibit A: Site Plan – New Work
 - C Exhibit B: street view of Kearns Dr
 - D Exhibit C: street view of Kearns Dr
 - E Exhibit D: street view of Kearns Dr
 - F Exhibit E: aerial representation of proposed facility (2 pages)

2. Preliminary Memorandum dated May 3, 2022, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Exhibit A: Site Plan received April 14, 2022
 - C Exhibits B - E: street view of Kearns Dr, aerial representations of proposed facility
 - D Images of Subject Property taken April 21, 2022
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated May 12, 2022

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **053-V-22** held on **May 12, 2022**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. *Regarding the variance for parking within ten feet of the front lot line: a ditch to the north and buildings to the south leave no room for reconfiguring the north lot unless the number of parking spaces are reduced.*
 - b. *Regarding the variance for number of parking spaces: current and historic operations provide a reasonable estimate of the number of needed parking spaces at the proposed facility, and the petitioner suggests they will never need more than 40 parking spaces.*
 - c. *Regarding the proposed variance for one loading berth: there is one existing loading berth at the southwest corner of the east building and no other location to accommodate a second loading berth without reducing the number of parking spaces.*

2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. *Regarding the variance for parking within ten feet of the front lot line: without the proposed variance, the number of parking spaces in the north lot would be reduced from 15 to 9, which would increase the amount of variance needed for number of parking spaces.*
 - b. *Regarding the variance for number of parking spaces: without the proposed variance, the petitioners would be required to forego the existing septic system to make room for more parking, and undertake the expense of annexing to the city sewer and other costs of annexing to the city.*
 - c. *Regarding the proposed variance for one loading berth: without the proposed variance, four parking spaces would need to be removed to create one more loading berth, which would increase the amount of variance needed for number of parking spaces.*

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *Regarding the variance for parking within ten feet of the front lot line: the north parking lot is existing and cannot be increased in size to accommodate a ten-foot setback.*
 - b. *Regarding the variance for number of parking spaces: there is no additional area for parking spaces due to the existing buildings and septic field.*
 - c. *Regarding the variance for loading berth: the petitioners were not made aware of this requirement by P&Z Staff; it was discovered after the site plan was received.*

PRELIMINARY DRAFT

4. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
- a. ***Regarding the variance for parking within ten feet of the front lot line: there is a ditch between Kearns Drive and the north parking lot that serves to funnel access safely to and from the north parking lot.***
 - b. ***Regarding the variance for number of parking spaces: providing fewer spaces allows sufficient room for the facility's septic system and open space.***
 - c. ***Regarding the variance for loading berth: providing one loading berth instead of two will allow more parking spaces and room to safely maneuver on site.***
5. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- a. ***Relevant jurisdictions have been notified of this variance case, and no comments have been received.***
6. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because:
- a. ***Regarding the variance for parking within ten feet of the front lot line: the north lot is existing and cannot be reconfigured without reducing the number of available parking spaces.***
 - b. ***Regarding the variance for number of parking spaces: the number of parking spaces cannot be increased without reducing the area set aside for the septic system.***
 - c. ***Regarding the variance for loading berth: a second loading berth cannot be accommodated without reducing the number of available parking spaces.***
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

PRELIMINARY DRAFT

FINAL DETERMINATION FOR CASE 053-V-22

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 **053-V-22** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Champaign County Humane Society**, to authorize the following:

Authorize the following variance in the I-1 Light Industry Zoning District on the subject property described below:

Part A: Authorize a variance for parking 0 feet from the front lot line in lieu of the minimum distance of 10 feet from any front lot line, per Section 7.4.1 A.3. of the Zoning Ordinance.

Part B: Authorize a variance for 47 parking spaces in lieu of the minimum required 90 parking spaces, per Section 7.4.1 C.3.e. of the Zoning Ordinance.

Part C: Authorize a variance for one loading berth in lieu of the minimum required two loading berths, per Section 7.4.2 C.5. 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date