

RE: VARIANCE PROCEDURE

Attached please find materials related to an application for a Variance to the provisions of the Champaign County Zoning Ordinance. A Variance request requires a public hearing before the Champaign County Zoning Board of Appeals, which is the granting authority regarding such requests.

The Zoning Board of Appeals (ZBA) is a seven member board, the members of which are appointed by the Champaign County Board to conduct all zoning and land use public hearings for unincorporated Champaign County. The ZBA meets regularly on the second and fourth Thursdays of each month to conduct its public hearings. Variance cases generally appear before the ZBA at only one meeting, and final action is generally taken at that time. The petitioner or an agent must be present at the public hearing to give testimony and answer any questions from the Board members, staff, or any other interested party.

Completed applications are required to be submitted no less than 22 days in advance of the next available ZBA public hearing date. However, agenda items are docketed on a first-come first-serve basis, based upon submission of the completed application and its \$200 filing fee. Docket space is limited for each meeting; therefore, an extra time frame should be anticipated in the event of an overloaded docket, etc. Please contact this Department to determine the date of the next available public hearing date.

This Department serves as staff for the Zoning Board of Appeals, and prepares all notifications and memorandum for zoning cases. Staff does not, however, make recommendations regarding zoning cases. As required by state law, all public hearings before the ZBA are published as public notices in a newspaper of general circulation published in the county and having circulation where such property is located. If no local newspaper exists, then such notice is published in the News Gazette. The By-laws of the ZBA further require that all landowners within 250 feet of the subject property be notified of the request by regular mail. If applicable, notice is also given to the Township Supervisor, the Drainage District Commissioner, and the Fire District Chief.

Department staff prepares all case memoranda, which outline the available facts and issues of the request. These memoranda provide a review of the request, and a series of case maps regarding location, land use, and zoning of the property and its surrounding area. The memos are mailed out to ZBA members, petitioners, and other interested parties approximately one week prior to the public hearing date. Members of the ZBA may visit the site; however, please be advised that communications with Board members outside of the public hearing are considered ex-parte communications, and are prohibited. All questions and comments regarding the case should be directed to the full Board during the course of the public hearing.

Question numbers 7(a) through 7(e) on the application reflect the Variance criteria outlined in the Zoning Ordinance. The Board is required to make specific findings of fact with respect to each of these criteria, and render its decision based upon those findings.

These questions should therefore be reviewed and answered as thoroughly as possible, as they are the petitioner's first opportunity to make affirmative findings with respect to their request.

An integral part of the Variance application is the site plan, which should reflect the subject property as accurately as possible. All existing and proposed structures should be noted, as well as all applicable dimensions and setback distances.

Upon approval of the Variance request, a Zoning Use Permit must be received from this Department prior to the start of any new construction and/or establishment of a new use on the subject property. The fee for this permit is based upon the size and type of the new structure(s), including signs and parking areas. If no new construction is proposed, a Change of Use Permit must be applied for, which has a filing fee of \$98.

A site plan is also required to be submitted with the Zoning Use Permit Application, which generally requires a greater level of detail than the site plan submitted with the Variance application. All structures and facilities, both interior and exterior, are required to be noted and dimensioned, and interior spaces and uses should be delineated as well. Specific notations with respect to parking requirements, outdoor storage, screening, signage, etc., will also be required, if applicable.

This handout is an outline of the major provisions regarding Variance applications. Please contact the Department of Planning and Zoning at 384-3708 for further information. Copies of the Zoning Ordinance and the Zoning Board of Appeals By-laws are also available for purchase at the Department of Planning and Zoning, Brookens Administrative Center, 1776 East Washington Street, Urbana, Illinois 61802.

FOR OFFICE USE ONLY	
Township _____	Section _____
Case No. _____	
Date _____	Receipt # _____
Zoning District _____	
PIN _____	

CHAMPAIGN COUNTY, ILLINOIS

APPLICATION FOR VARIANCE

1. Applicant Name(s)	Phone	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

Email of lead applicant: _____

2. Location of subject parcel(s) _____

3. Property Identification Number (PIN): _____

4. Legal Description *[Note: This application cannot be processed unless accurate and complete legal description of subject parcel(s) is included with this form]*

5. Area of subject property: _____ acres or _____ square feet

6. Requested Variances:

Ordinance Section:	Describe specific variance requested:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. Variance Criteria *[Note: attach separate document if more space is needed]*

A. Describe the special conditions or circumstances peculiar to the land or structure which are not applicable to other similarly situated land or structures elsewhere in the same zoning district (What unusual features of the property justify granting the variance?)

B. Describe any practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied that prevent reasonable and otherwise permitted use of the land or structures or construction on the subject lot?

C. Do the special conditions, circumstances, hardships, or practical difficulties cited above result wholly or partly from any action you have taken yourself?

D. Describe how granting the requested variance will be in harmony with the general intent and purpose of the zoning ordinance.

E. Describe any factors that would tend to ensure that granting the requested variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

8. Describe any other circumstances which justify the Variance: _____

[NOTE: No nonconforming use of structures on neighboring property or uses or structures permitted in other zoning districts will be considered grounds for granting a variance.]

9. Attach an accurate site plan, no larger than 11x17, showing the boundaries of the subject property, adjacent streets, existing buildings, driveways and other structures. Provide dimensions, sufficient to accurately determine the size and location of all structures. *[Note: elevations or other drawings may also be required for certain variances (example: signs, building height, etc.)]*

10. Additional exhibits submitted by applicant:

11. Applicant Signature(s)

Date

NOTE: If signed by persons other than petitioner(s), state whether Agent or Attorney and give address and telephone number.

**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
POSSIBLE CONSIDERATIONS FOR VARIANCE CRITERIA**

1. Application Question 7A: Do 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?

- Are any of the following unique to the subject property or structure:
 - Lot size: does it meet district requirements; is the lot legally nonconforming?
 - Lot dimensions and/or configuration: is the lot unusually narrow; shallow; odd shaped; does it have two or more street frontages?
 - Physical features/limitations: slope; water features; other amenities; location of existing structures?
 - Site location? Structure location?
- Is there a structure that predates County Zoning (legally nonconforming)?

2. Application Question 7B: Will practical difficulties or hardships be created by carrying out the strict letter of the regulations sought to be varied so as to prevent reasonable or otherwise permitted use of the land or structure or construction on the lot?

- Will any legal or nonconforming use be permitted to remain?
- Would the proposed structure be permitted in another location as of right?
- Is a reduction in the size of the proposed structure feasible without making it unusable?
- Is adjacent land available to purchase to mitigate lot area/width?

3. Application Question 7C: Do the special conditions, circumstances, hardships, or practical difficulties result from actions of the applicant?

- When the property was purchased, was the applicant aware of, or in a position to be aware of:
 - The applicable zoning regulations?
 - The physical limitations of the property?
- Was the lot created following proper procedures of subdivision? Does the lot predate County Zoning (legally nonconforming)?
- Did prior construction on the lot meet applicable regulations? Or were those regulations in effect at the time of construction?
- Is the lot/structure legally nonconforming?
- Did the applicant voluntarily convey any part of the lot affecting the request?
- Has the applicant altered the physical character of the lot or structure?

4. Application Question 7D: Is the requested variance in harmony with the general purpose and intent of the Ordinance?

- See Section 2 of the Zoning Ordinance: "Purpose".
- Are adequate light and air secured for this and other properties?
- Are traffic and congestion of public streets minimized/mitigated?
- Are environmental/natural features protected?
- Are hazards to persons and damage to property due to fire, storm water runoff, or other dangers mitigated or minimized?
- What is the Nature and Intent of the Zoning District? (Section 5 of the Ordinance).

5. Application Question 7E: Will the requested variance be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare?

- Is there adequate room for firefighting purposes? How far away is the property from the fire station? Has the Fire Protection District expressed concern?
- Is the comer lot visibility triangle and/or the driveway visibility triangle impeded? On what type of road does the property front? Are existing/projected traffic levels high or low?
- Are adequate screens/buffers provided?
- Will proposed construction:
 - Impair surface or subsurface drainage?
 - Cause an unreasonable increase in runoff?
 - Direct runoff to a different location?
- Does to use generate hazardous materials, noise, odor, smoke, fumes, heat, glare, or vibration? If so, will the variance increase the impact of any of these on surrounding properties?
- Will the variance:
 - Impede the flow of traffic?
 - Increase the traffic so as to add congestion or create traffic hazards?
 - Impede visibility?