

CASE NO. 893-V-17

PRELIMINARY MEMORANDUM

January 18, 2018

Petitioner: **Scott Miller and Ingrid Hampton, d.b.a. Fifth Dimension Collision Repair, Inc., and d.b.a. 5D Properties, LLC**

Request: **Authorize the following Variance in the I-1 Light Industry Zoning District:**

Part A: Authorize an addition to an existing, legally non-conforming commercial building with a front yard of ~~21~~ 25 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning Ordinance; and

Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of the minimum required 10 feet in the I-1 Light Industry Zoning District, per Section 5.3 of the Zoning Ordinance.

Subject Property: **A 1.01 acre tract that is Lot 5 in the A.K. & L. Subdivision, commonly known as Fifth Dimension Collision Repair, 2702 N Mattis Ave, Champaign.**

Site Area: **43,865 square feet (1.01 acre)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioners would like to add an enclosed entryway onto an existing commercial building. They have already pre-ordered an automatic sliding door, not realizing that its installation would result in a need for a front yard variance. They would like to improve accessibility and safety in the entrance. The existing 8 feet by 8 feet enclosed entryway on the west end of the building was constructed between 1988 and 2002; this entryway is several inches lower than the west building floor level. The existing entryway meets the front yard requirement of 30 feet.

The A.K. & L. Subdivision, of which the subject property is Lot 5, was approved by the City of Champaign in 1968, prior to adoption of the Champaign County Zoning Ordinance on October 10, 1973. The west building requiring variance Part B was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973. Previous additions to the west building did not increase its non-conformity, so the minimum side yard requirement remained a non-conformity until a variance for construction was required. The proposed addition requires a variance for the front yard, which triggered the inclusion of the variance for the side yard.

The petitioners propose a new access onto Mattis Avenue from the southwest corner of the subject property. The petitioners intend to speak with the City of Champaign to see if they would allow the access.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and generally do not receive notification of such cases.

The subject property is located within Hensley Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and do receive notification of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Commercial/Auto Repair	I-1 Light Industry
North	Commercial/Service	I-1 Light Industry
South	Commercial/Auto Repair	I-1 Light Industry
East	Commercial	I-1 Light Industry
West	Agriculture	I-1 Light Industry

ACCESS AND FRONTAGE

The subject property shares access with the other 4 properties to the north that comprise the approved subdivision. The access to North Mattis Avenue is located two lots to the north. Each parcel has 20 feet inside the front property line which creates a continuous access drive for all 5 properties. This configuration existed prior to adoption of the Zoning Ordinance on October 10, 1973.

The petitioner intends to speak with the City of Champaign, which has jurisdiction of North Mattis Avenue, about creating a new access onto Mattis Avenue from the subject property.

PROPOSED SPECIAL CONDITIONS

No special conditions are proposed.

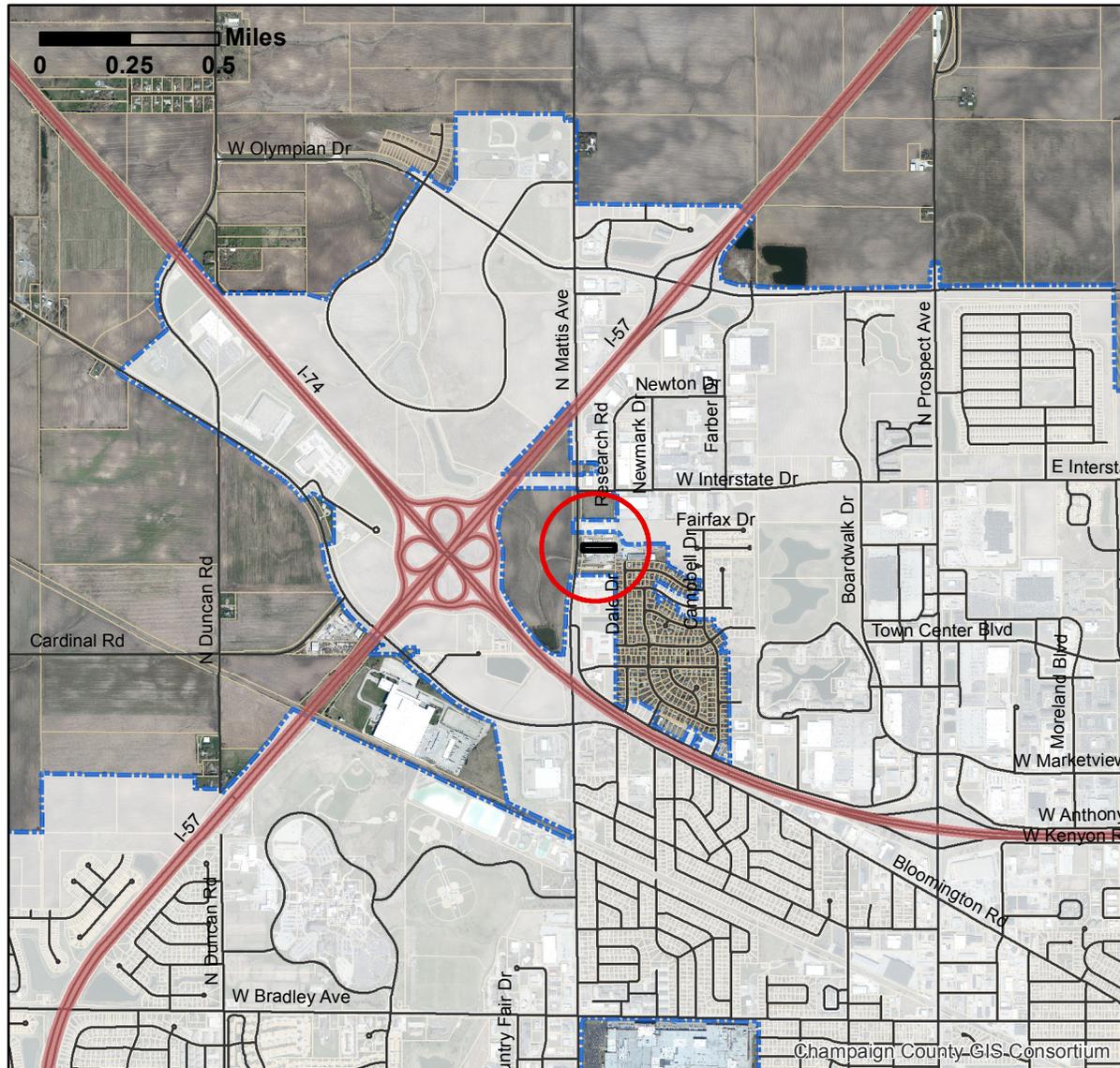
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Revised Site Plan received January 12, 2018
- C Site Plan for ZUPA 82-07-02 approved May 16, 2007, and amended July 19, 2007
- D Email from Scott Miller received November 15, 2017, with photos of proposed entryway
- E Images of subject property taken January 9, 2018
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated January 25, 2018

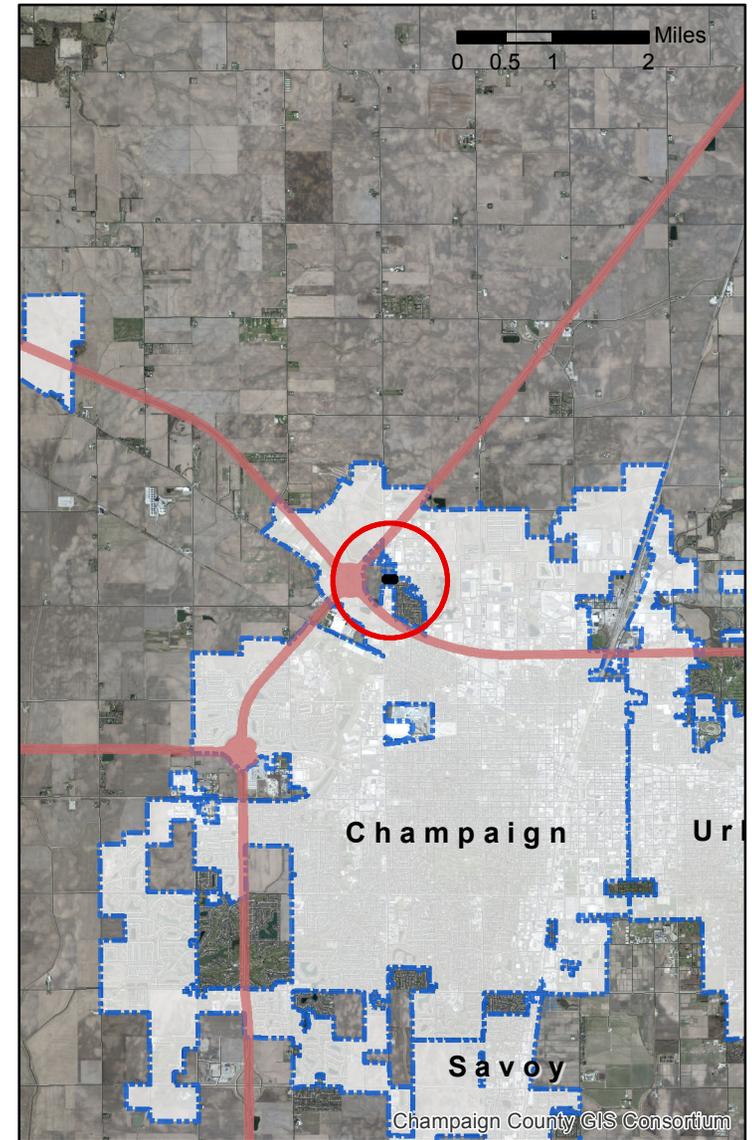
Location Map

Case 893-V-17
January 25, 2018

Subject Property



Property location in Champaign County



Legend

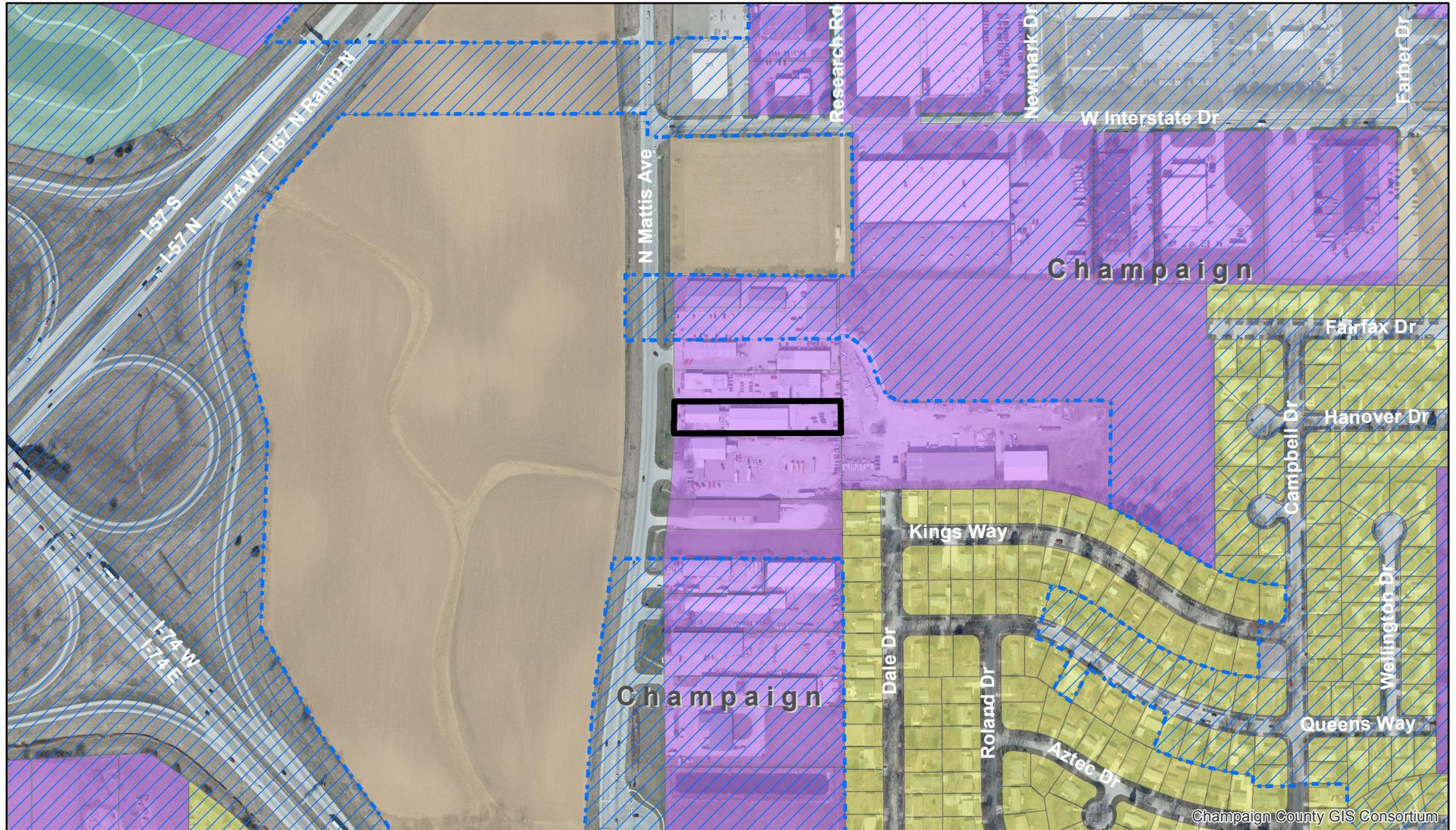
- Subject Property
- Interstate
- Parcels
- Streets
- Municipal Boundary



Champaign County
Department of
PLANNING &
ZONING

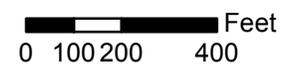
Land Use Map

Case 893-V-17
January 25, 2018



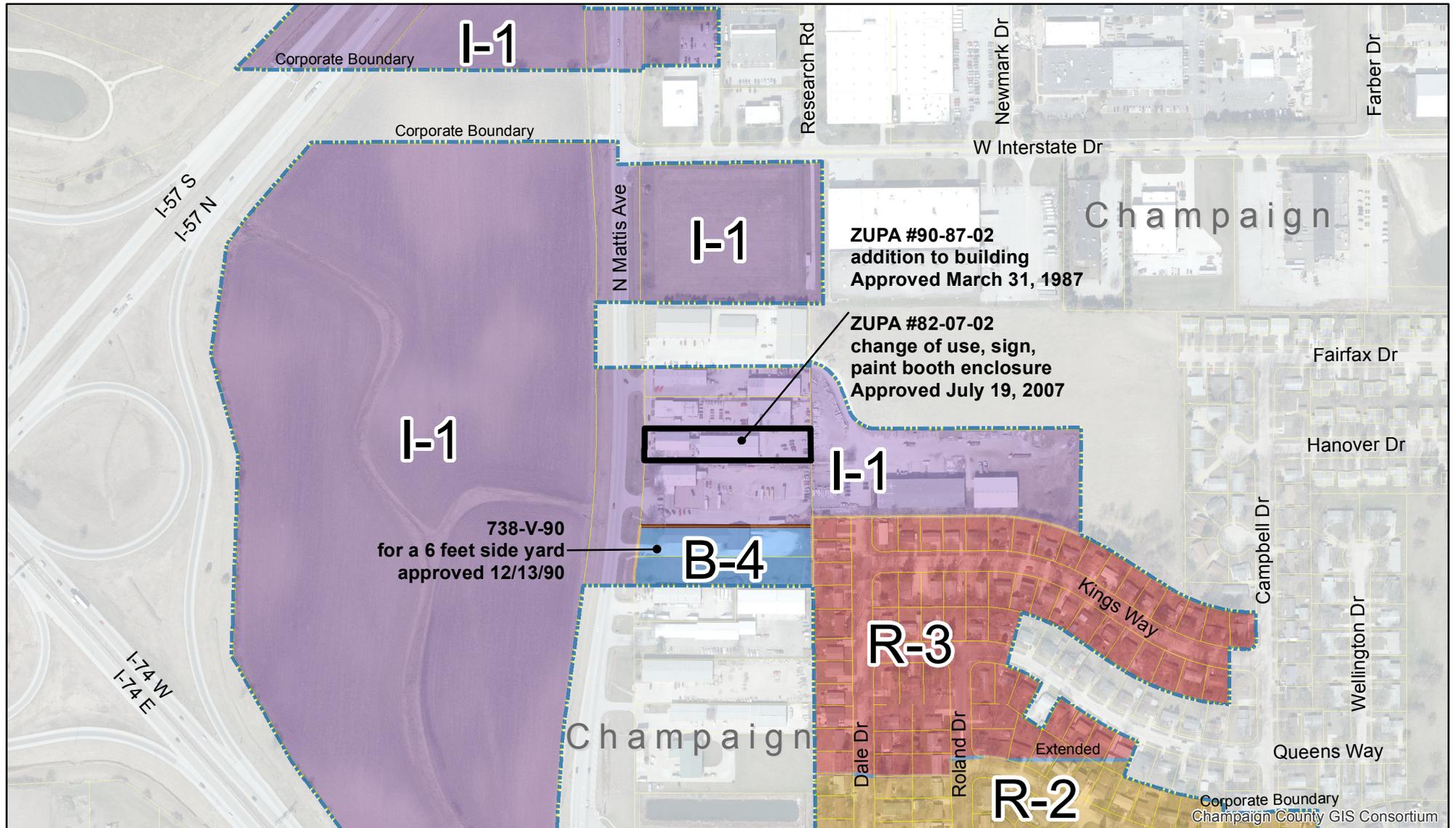
Legend

-  Subject Property
-  Municipal Boundary
-  Commercial
-  Residential
-  Agriculture
-  Tax Exempt
-  Land Used as a Commons



Zoning Map

Case 893-V-17
January 25, 2018



Legend

-  Subject Property
-  Corporate Limits
-  Parcels



Champaign County
Planning & Zoning Department
Approved Site Plan
Permit # 82-07-02
Date: 5/16/07 *yp*

Amended: 7/18/07
Approved: 7/19/07 *yp*

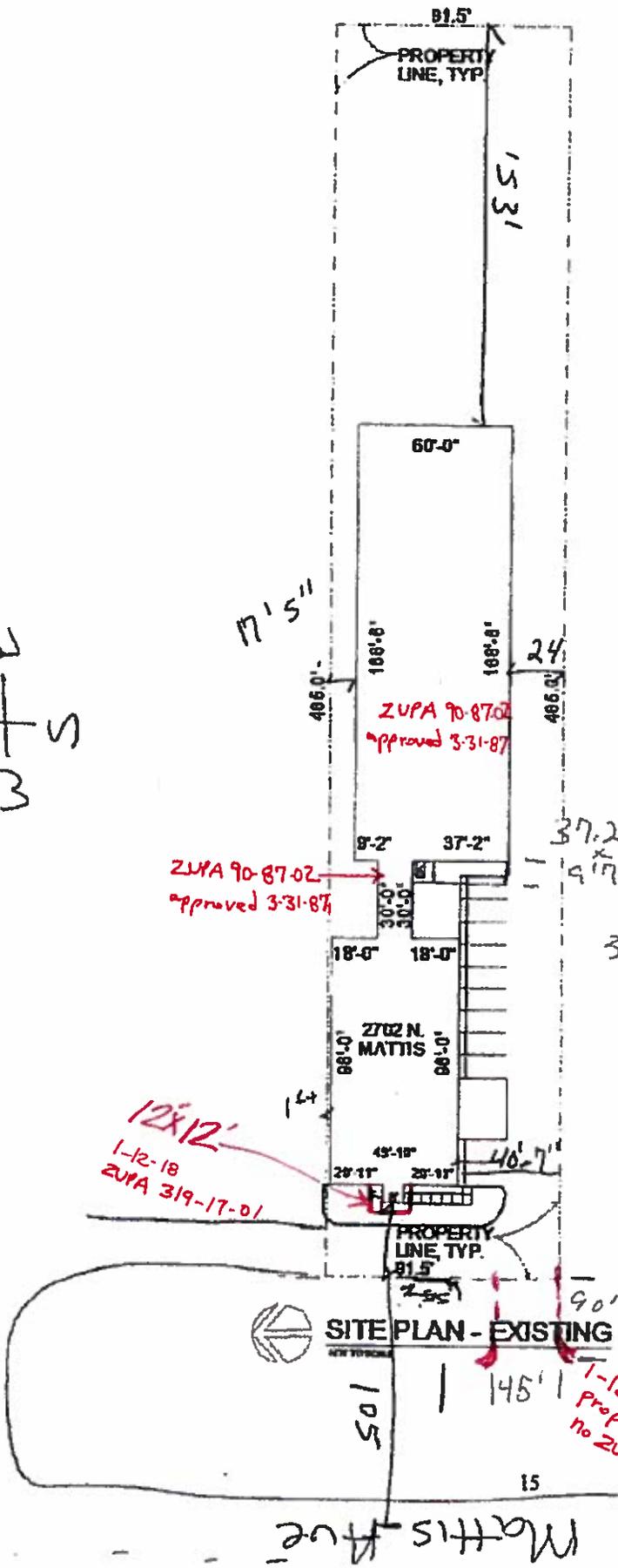
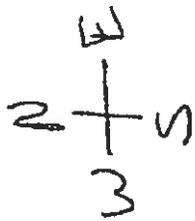
RECEIVED

NOV 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT
RECEIVED

JAN 12 2018

CHAMPAIGN CO. P & Z DEPARTMENT



*enclose for mechanical
paint work. ZUPA 82-07-02
As amended 7-18-07*

370A #64

*one on building - well - future
one out front - gas tanking*

10x6-x2

*Sign Signs and
Location*

EXHIBIT A

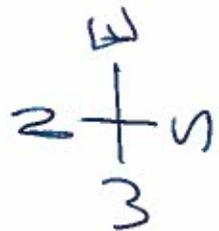
Champaign County
Planning & Zoning Department
Approved Site Plan
Permit # 87-07-02
Date: 5/16/07 *yr*

Amended: 7/18/07
Approved: 7/19/07 *yr*

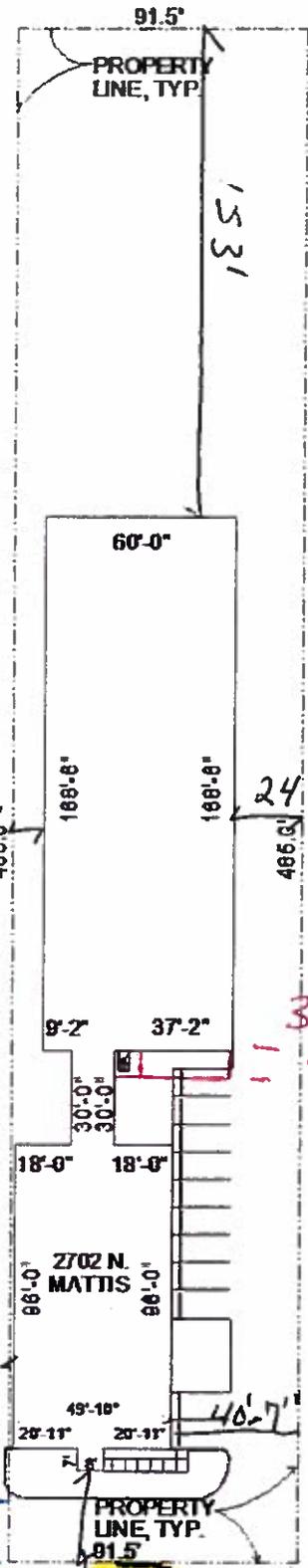
RECEIVED

NOV 15 2017

CHAMPAIGN CO P & Z DEPARTMENT



17'5"



37.2
9'17" ← enclose for mechanical for
paint booth.

370A #64.

One on building - well - future
One on front - gas tanking

10x6-x2

*Sign Site and
Location*

EXHIBIT A

 **SITE PLAN - EXISTING**
METROSCALE

501

15

Mattis Ave

Connie Berry

From: Scott Miller <smiller@5dcollision.com>
Sent: Wednesday, November 15, 2017 3:47 PM
To: Connie Berry
Subject: RE: test
Attachments: IMG_2334.jpg; IMG_2335.jpg; IMG_2338.jpg; IMG_2337.jpg

Connie,

We marked the proposed line just so you can see it. We attached some photos so you can see what we are trying to accomplish. Please let us know what you come up with. Thanks for your help.

RECEIVED

NOV 15 2017

Scott/Ingrid
Fifth Dimension

From: Connie Berry [mailto:cberry@co.champaign.il.us]
Sent: November 15, 2017 3:18 PM
To: smiller@5dcollision.com
Subject: test

CHAMPAIGN CO. P & Z DEPARTMENT

Let me know how you plan to move forward

Connie Berry
Zoning Technician
Champaign County Department of Planning and Zoning
1776 E. Washington St.
Urbana, IL 61802
Phone: 217-384-3708
Fax: 217-819-4021

"People may not remember exactly what you did, or what you said, but they will always remember how you made them feel." Maya Angelou



RECEIVED

NOV 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

NOV 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

NOV 15 2017

CHAMPAIGN COUNTY CLERK'S DEPARTMENT



RECEIVED

NOV 15 2017

CHAMPAIGN CO. P & Z DEPARTMENT

893-V-17 Site Images



893-V-17
01-09-18

Existing 8 feet by 8 feet entrance, from south facing north



893-V-17
01-09-18

Existing entrance

893-V-17 Site Images



Subject property from access to Mattis Avenue, from north facing south

PRELIMINARY DRAFT

893-V-17

**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: *{January 25, 2018}*

Petitioner: **Scott Miller and Ingrid Hampton, d.b.a. Fifth Dimension Collision Repair, Inc., and d.b.a. 5D Properties, LLC**

Request: **Authorize the following Variance in the I-1 Light Industry Zoning District:**

Part A: Authorize an addition to an existing, legally non-conforming commercial building with a front yard of ~~21~~ 25 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning Ordinance; and

Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of the minimum required 10 feet in the I-1 Light Industry 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 **January 25, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Scott Miller and Ingrid Hampton, d.b.a. 5D Properties LLC, own the subject property. They are the sole officers of 5D Properties LLC and Fifth Dimension Collision Repair, Inc.
2. The subject property is a 1.01 acre tract that is Lot 5 in the A.K. & L. Subdivision, commonly known as Fifth Dimension Collision Repair, 2702 N Mattis Ave, Champaign.
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 City of Champaign, a municipality with zoning. Municipalities do not have protest rights on a variance and generally do not receive notification of such cases.
 - B. The subject property is located within Hensley Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and do receive notification 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 a 43,865 square feet (1.01 acre) lot and is currently zoned I-1 Light Industry. Land use is a collision repair business.
 - B. Land to the north is commercial/service in use (Atlantic Services).
 - C. Land to the south is commercial/service in use (Greg's Truck and Auto Repair).
 - D. Land to the east is commercial in use (Richard's Building Supply).
 - E. Land to the west is agricultural in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan, received November 27, 2017, indicates the following existing and proposed features:
 - (1) Existing features on the subject property are:
 - a. One 50 feet by 96 feet office, production, and storage building on the west end of the subject property, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973; and
 - b. One 8 feet by 8 feet enclosed entryway on the west end of the building which was constructed between 1988 and 2002; this entryway is several inches lower than the west building floor level. The existing entryway meets the front yard requirement of 30 feet.

PRELIMINARY DRAFT**Case 893-V-17**

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- c. One 60 feet by 178 feet warehouse and repair building behind the west building constructed under ZUPA #90-87-02; and
 - d. One 13.7 feet by 30 feet enclosed breezeway connecting the two buildings constructed under ZUPA #90-87-02; and
 - e. One 37.2 feet by 9.6 feet enclosure for paint booth mechanical equipment constructed on the west end of the east building under ZUPA #82-07-02.
- (2) Proposed construction consists of the following:
- a. A new 12 feet by 12 feet entryway on the front of the west building, within an existing raised curb landscape area filled with rock.
 - (a) This entryway would replace the existing entryway, which is not handicapped accessible, with one that has a new automatic sliding door and would be level with the west building floor.
 - b. A new access onto Mattis Avenue from the southwest corner of the subject property. The petitioners intend to speak with the City of Champaign to see if they would allow the access.
- B. The following Zoning Use Permits are for the subject property:
- (1) ZUPA #319-17-01 was filed on November 15, 2017, for construction of the entryway, the approval of which is contingent on approval of this zoning case.
 - (2) ZUPA #82-07-02 was approved on May 16, 2007, for a change of use to allow the collision repair facility, and to permit a freestanding sign. The permit was amended on July 19, 2007, for construction of an enclosure for the paint booth mechanical equipment.
 - (3) ZUPA #90-87-02 was approved on March 31, 1987, for construction of the east building addition and breezeway.
- C. There are no prior Zoning Cases for the subject property. There is one variance case for the property two lots south of the subject property: Case 738-V-90 was approved on December 13, 1990, for a side yard of 6 feet in lieu of the minimum required 10 feet.
- D. The required variance is as follows:
- (1) Part A: A variance for an addition to an existing, legally non-conforming commercial building with a front yard of ~~24~~ 25 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning Ordinance; and
 - (2) Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of the minimum required 10 feet in the I-1 Light Industry Zoning District, per Section 5.3 of the Zoning Ordinance.
 - (3) A variance for non-conforming average lot width of 91 feet in lieu of 100 feet is not required because the lot was not in common ownership with adjacent lots when the

PRELIMINARY DRAFT

Zoning Ordinance was adopted on October 10, 1973, nor has the property been in common ownership with adjacent properties since October 10, 1973.

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) “ALTERATION” is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
 - (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 WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
 - (7) “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.
 - (8) “PRIVATE ACCESSWAY” is a service way providing ACCESS to one or more LOTS which has not been dedicated to the public.
 - (9) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (10) “SCREEN” is a STRUCTURE or landscaping element of sufficient opaqueness or density and maintained such that it completely obscures from view throughout its height the PREMISES upon which the screen is located.
 - (11) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
 - (12) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A

PRELIMINARY DRAFT

STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (13) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (14) “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.
- (15) “YARD, FRONT” is a YARD extending the full width of a LOT and situated between the FRONT LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT. Where a LOT is located such that its REAR and FRONT LOT LINES each abut a STREET RIGHT-OF-WAY both such YARDS shall be classified as FRONT YARDS.
- 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.
 - (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.

PRELIMINARY DRAFT

- D. Regarding Part A of the proposed variance, the minimum front yard is established in Section 4.3.2 of the Zoning Ordinance as 30 feet.
- E. Regarding Part B of the proposed variance, the minimum side yard in the I-1 Light Industry DISTRICT is established in Section 5.3 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, **“We are a great distance off of the main road.”**
 - B. The setback of the current entryway is approximately 97 feet from the centerline of Mattis Avenue, greater than the minimum required 85 feet. The proposed entryway will have a setback from street centerline of approximately 92 feet.
 - C. Regarding Part A of the proposed variance, for a front yard of ~~24~~ 25 feet in lieu of 30 feet:
 - (1) The west building was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - a. The existing 8 feet by 8 feet enclosed entryway was constructed between 1988 and 2002; evidently without a permit. The entryway meets the minimum required front yard of 30 feet and exceeds the minimum required setback of 85 feet.
 - (2) The proposed entryway addition would be constructed in what is now a raised curb area filled with rocks; it would not impact the access way on the west end of the property.
 - (3) There is a 48 feet wide ditch separating the subject property and pavement on Mattis Avenue. The ditch is within the Mattis Avenue right of way.
 - (4) The subject property shares access with the other 4 properties to the north that comprise the approved subdivision. The access to North Mattis Avenue is located two lots to the north. Each parcel has 20 feet inside the front property line which creates a continuous access drive for all 5 properties. This configuration existed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - D. Regarding Part B of the proposed variance, for a side yard of 1 foot in lieu of the minimum required 10 feet:
 - (1) The 5-lot A. K. & L. Subdivision was approved by the City of Champaign and recorded on May 13, 1968, prior to adoption of the Zoning Ordinance on October 10, 1973.
 - a. The west building requiring a variance was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - b. Previous additions to the west building did not increase its non-conformity, so the minimum side yard requirement remained a non-conformity until a variance for construction was required. The proposed addition requires a variance for the front yard, which triggered the inclusion of the variance for the side yard.

PRELIMINARY DRAFT**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, **“We pre-ordered a door for the addition that is not returnable to help accommodate our customers for easy entry.”**
 - B. Regarding Part A of the proposed variance, for a minimum front yard of ~~24~~ 25 feet in lieu of 30 feet: without the proposed variance, the petitioners would not be able to create a more accessible entryway using the door that they already purchased.
 - C. Regarding Part B of the proposed variance, for a side yard of 1 foot in lieu of 10 feet: without the proposed variance, the west building could not be rebuilt if destroyed.

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, **“We accidentally ordered the door without doing enough research on guidelines.”**

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, **“There is a curb and raised area that is out 16 feet from the building. It will make our entrance clean and neat.”**
 - B. Regarding Part A of the proposed variance, for a minimum front yard of 25 feet in lieu of 30 feet: the requested variance is 83% of the minimum required, for a variance of 17%.
 - C. Regarding Part B of the proposed variance, for a minimum side yard of 1 feet in lieu of 10 feet: the requested variance is 10% of the minimum required, for a variance of 90%.
 - D. Regarding Part A of the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum front yard requirements. Presumably, the front yard requirement is intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known developments or road improvements that would trigger road expansion or additional right-of-way needs.
 - (3) Parking, where applicable.

PRELIMINARY DRAFT

- E. Regarding Part B of the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum side yard requirement. Presumably, it is intended to help ensure the following:
- (1) Adequate light and air: The subject property will be a commercial use. The surrounding properties are commercial in use.
 - (2) Separation of structures to prevent conflagration: The nearest structure to the north is approximately 29 feet, and to the south is approximately 25 feet.
 - (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 will increase the curb appeal of our business adding value to our ability to attract customers.”**
 - B. During a site visit on January 9, 2018, the petitioners told Susan Burgstrom that they estimate two people per day trip in their existing entryway because it is not level with the main building. They seek to level the floor in the proposed entryway and make it handicapped accessible with a new automatic door.
 - C. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - D. The Eastern Prairie Fire Protection District has been notified of this variance but no comments have been received.
 - E. The nearest adjacent building is 25 feet south of the subject building. The proposed addition would not make the building any closer to adjacent buildings.

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: **“Ease of entrance for all customers.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

There are no special conditions proposed at this time.

DOCUMENTS OF RECORD

1. Variance Application received November 27, 2017, with attachment:
 - A Site Plan
2. Revised Site Plan received January 12, 2018
3. Site Plan for ZUPA 82-07-02, as approved May 16, 2007, and amended July 19, 2007
3. Email from Scott Miller received November 15, 2017, with photos of proposed expansion area
4. Preliminary Memorandum dated January 18, 2018, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Revised Site Plan received January 12, 2018, with annotations by staff
 - C Site Plan for ZUPA 82-07-02 approved May 16, 2007 and amended July 19, 2007
 - D Email from Scott Miller received November 15, 2017, with photos of proposed entryway
 - E Images of subject property taken January 9, 2018
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination dated January 25, 2018

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **893-V-17** held on **January 25, 2018**, 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 **893-V-17** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Scott Miller and Ingrid Hampton, d.b.a. Fifth Dimension Collision Repair, Inc., and d.b.a. 5D Properties, LLC**, to authorize the following variance in the I-1 Light Industry Zoning District:

Part A: Authorize an addition to an existing, legally non-conforming commercial building with a front yard of ~~21~~ 25 feet in lieu of 30 feet, per Section 4.3.2 of the Zoning Ordinance; and

Part B: Authorize an existing principal structure with a side yard of 1 foot in lieu of the minimum required 10 feet in the I-1 Light Industry Zoning District, per Section 5.3 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:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date