

**CASE NO. 890-V-17**

PRELIMINARY MEMORANDUM

February 7, 2018

Petitioners: **Daryl Mowry and Sharon Weller**

Request: **Authorize the following Variances in the AG-2 Agriculture Zoning District:**

**Part A: A detached shed with a side yard of 0 feet in lieu of the minimum required 10 feet for accessory structures, per Section 7.2.3 A.2.; and**

**Part B: A minimum lot area of 12,350 square feet in lieu of the minimum required 20,000 square feet, and an average lot width of 95 feet in lieu of the minimum required 100 feet, per Section 5.3 of the Zoning Ordinance.**

Subject Property: **Lot 74 of Woodard's Heather Hills 4th Subdivision in Section 2 of St. Joseph Township and commonly known as the residence at 2243 Churchill Drive, St. Joseph.**

Site Area: **12,350 square feet lot (0.28 acre)**

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

Prepared by: **Susan Burgstrom**  
Senior Planner

**John Hall**  
Zoning Administrator

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## **BACKGROUND**

The petitioner requests a variance to construct an 18 feet by 30 feet detached shed in the southeast corner of the back yard. The Petitioner stated that the shed's proposed location is limited by a septic field and trees. The petitioner has a boat that he would like to store in the proposed shed, and the size of his boat requires a shed of the proposed dimensions.

The need for a variance for lot area and width was overlooked when ZUPA #249-17-01 for the addition to the home was reviewed and issued. The subject property was in common ownership with Lot 75 to the east when the Zoning Ordinance was adopted on October 10, 1973, which made it a conforming lot with respect to lot area and width. Item 5.C. in the Summary of Evidence details the ownership history that triggered the need for a variance:

- 5.C.(1) The fourth plat of Woodard Heather Hills Subdivision was created by Ralph and Beatrice Woodard per an ownership certificate dated January 7, 1971, and recorded as document number 1971R658 on January 19, 1971.

- (2) Lot 74 was conveyed to Ralph and Beatrice Woodard in a Trustee's Deed dated February 28, 1972 and recorded in the Book of Deeds 975 page 686.
- (3) Lot 74 was sold by Ralph and Beatrice Woodard on June 13, 1975, per recorded document 1975R8284.
- (4) No deeds were found for Lot 75 prior to a Warranty Deed recorded as document number 1976R20434 on November 1, 1976, when Ralph and Beatrice Woodard sold Lot 75 to the owners of Lot 76, which made the subject property, Lot 74, an illegal lot.
- (5) The proposed variances for minimum lot size and average lot width will make the property conform to the Zoning Ordinance provisions.

### **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of St. Joseph, 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 St. Joseph Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

### **EXISTING LAND USE AND ZONING**

**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-2 Agriculture
North	Single Family Residence	AG-2 Agriculture
East	Single Family Residence (double lot)	AG-2 Agriculture
West	Single Family Residence (double lot)	AG-2 Agriculture
South	Agricultural	AG-1 Agriculture

### **NEIGHBOR'S AGREEMENT ON SHED LOCATION**

The petitioner spoke with his neighbor to the east, Steve Mathine, about constructing the proposed shed on their shared property line. In a letter dated October 15, 2017, and received October 18, 2017, Mr. Mathine states, "I own 2 lots to the east of Daryl Mowry's lot. I have built an oversized garage which sits 21 feet from the edge of my property line. Daryl is inquiring about putting a garage that will sit on my property line, which with this document I am granting him permission to do so. With this transaction, it will leave roughly 20 feet of space between each structure."

### **PROPOSED SPECIAL CONDITIONS**

No special conditions are currently proposed.

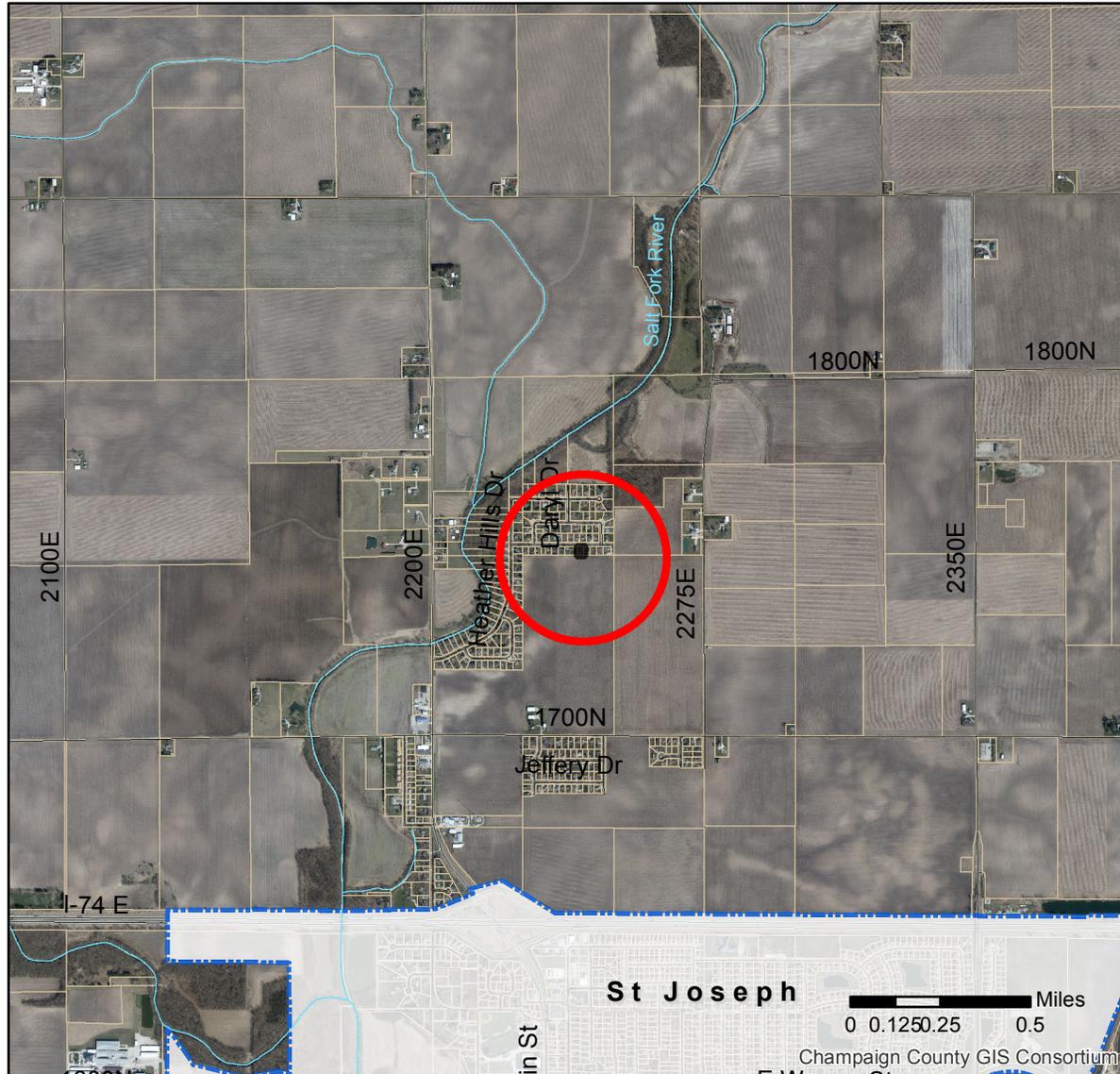
## **ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received October 18, 2017
- C Site Plan from ZUPA #249-17-01, approved September 25, 2017
- D Letter from neighbor Steve Mathine dated October 15, 2017 and received October 18, 2017
- E Aerial photos from 1973 and 2017
- F Images of Subject Property taken November 29, 2017
- G Draft Summary of Evidence, Finding of Fact, and Final Determination dated February 15, 2018

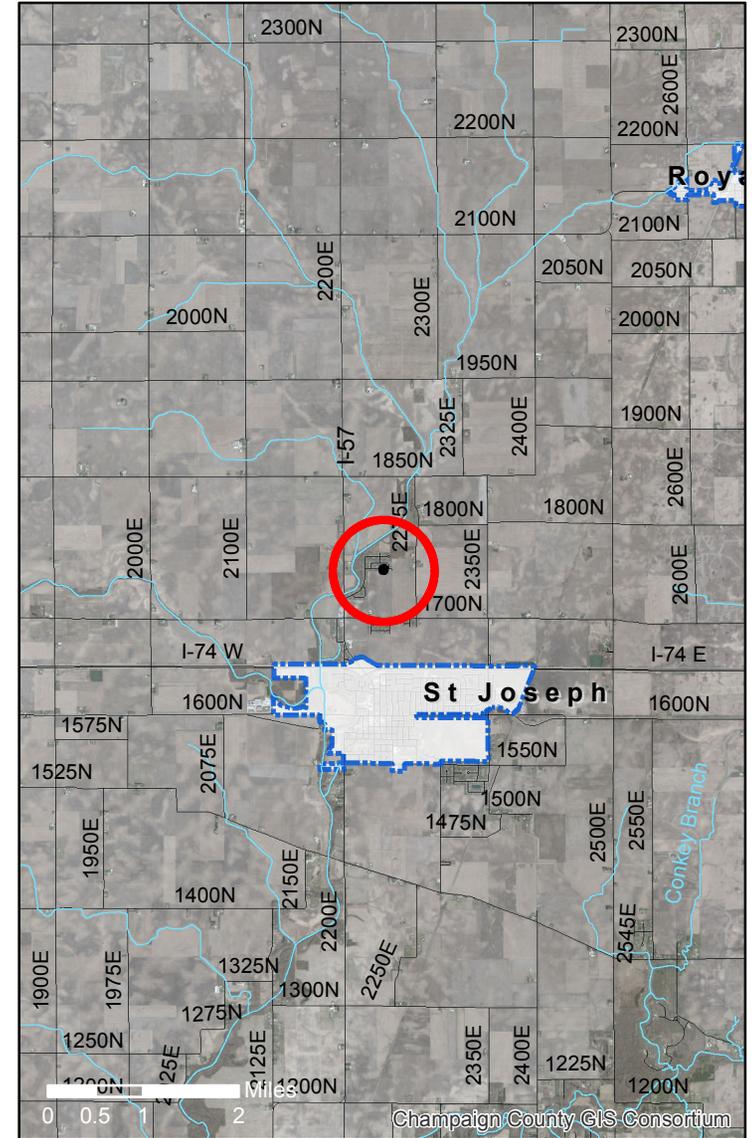
# Location Map

Case 890-V-17  
February 15, 2018

Subject Property



Property location in Champaign County



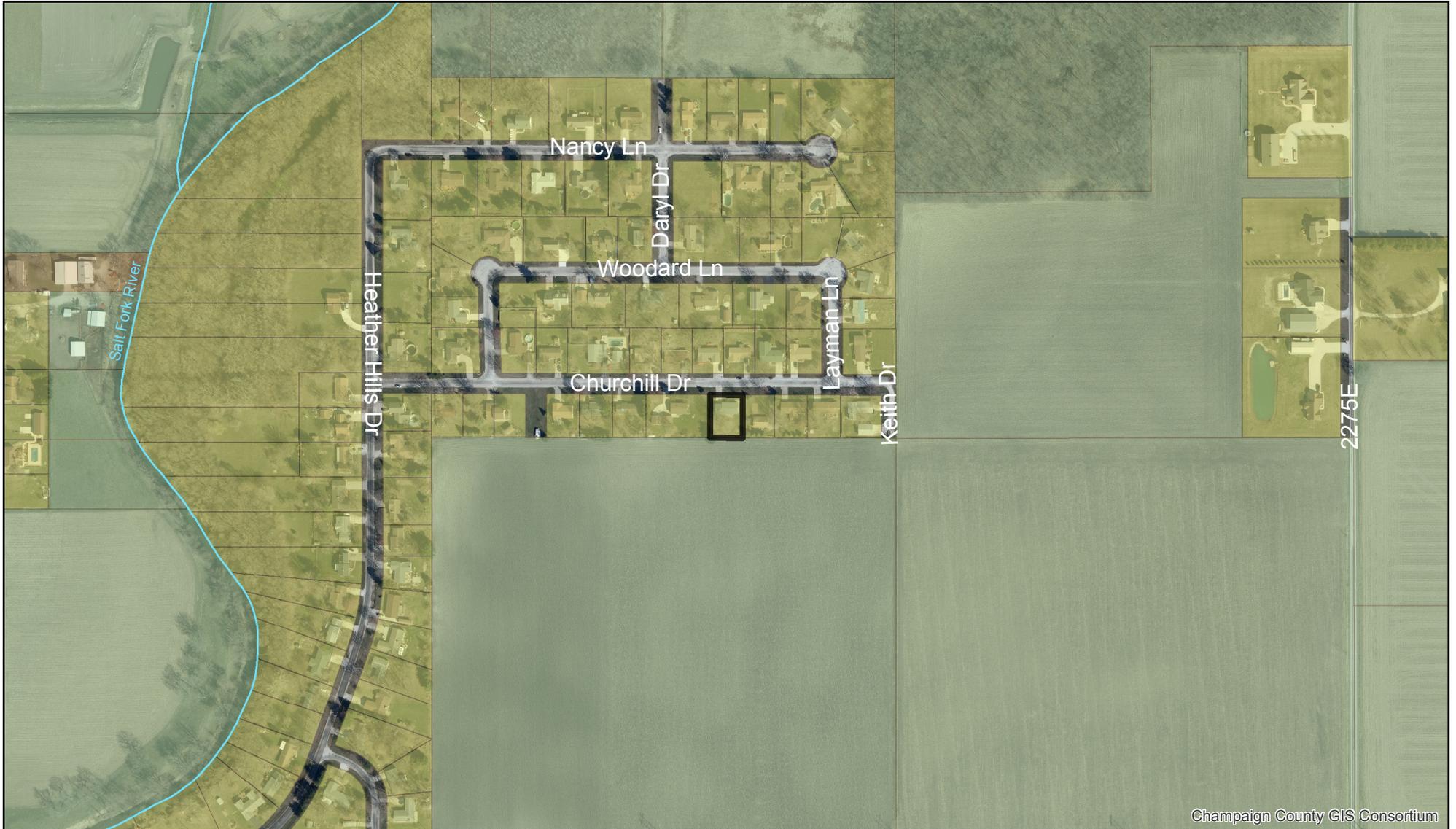
## Legend

-  Subject Property
-  Municipal Boundary
-  Streams
-  Streets
-  Parcels



# Land Use Map

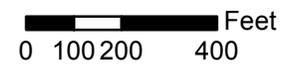
Case 890-V-17  
February 15, 2018



Champaign County GIS Consortium

## Legend

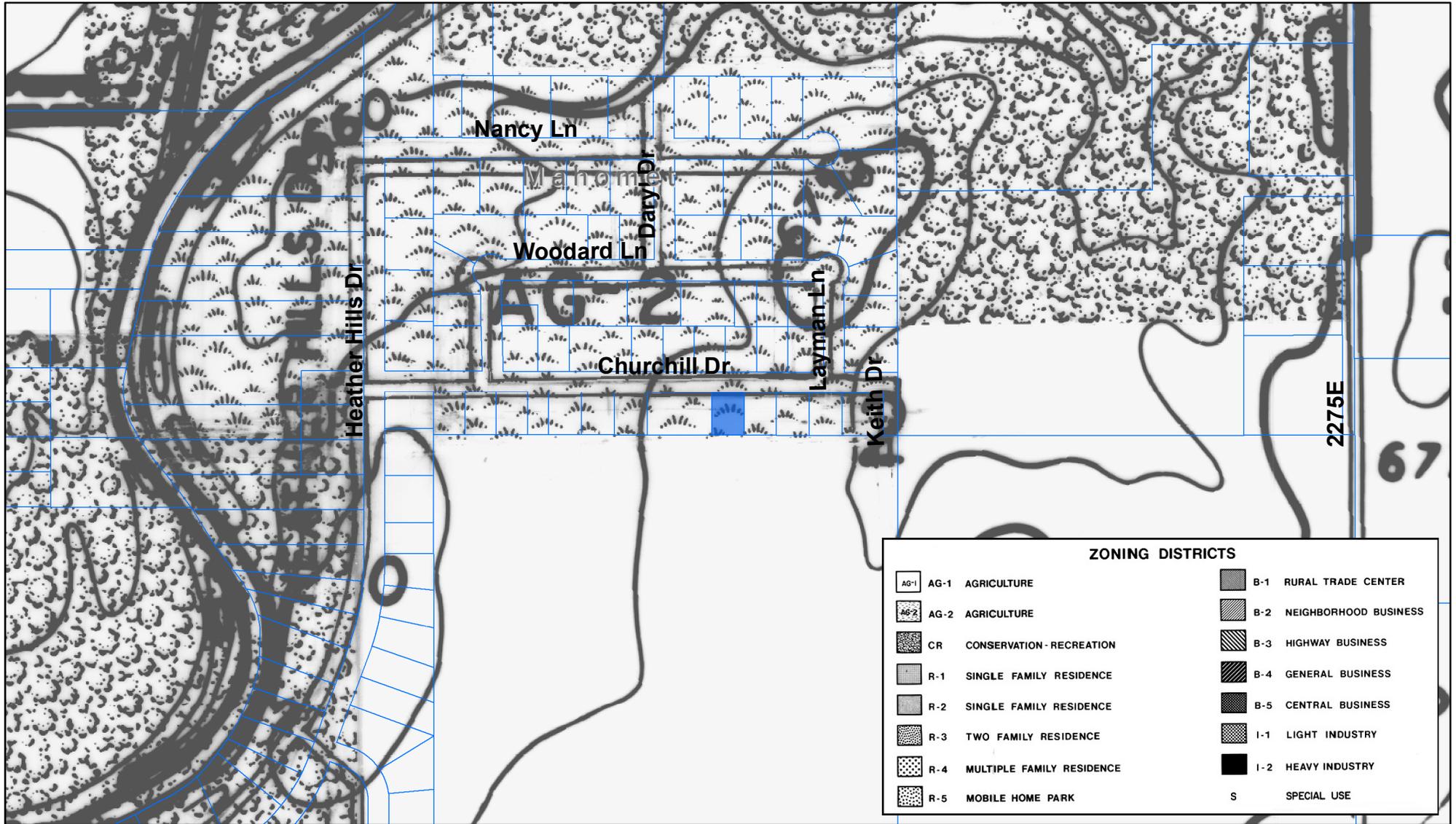
- Residential
- Agriculture with Residence
- Agriculture
- Subject Property
- Streams



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 890-V-17  
February 15, 2018



## Legend

- Subject Property
- Parcels





CCDPZ Form 12/01/14

Applicant Name: Dan & Maury

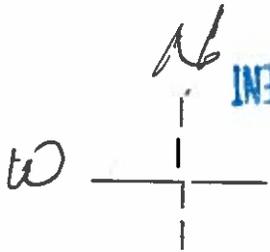
CHAMPAIGN CO. P & Z DEPARTMENT

Permit Application No. 249-17-01

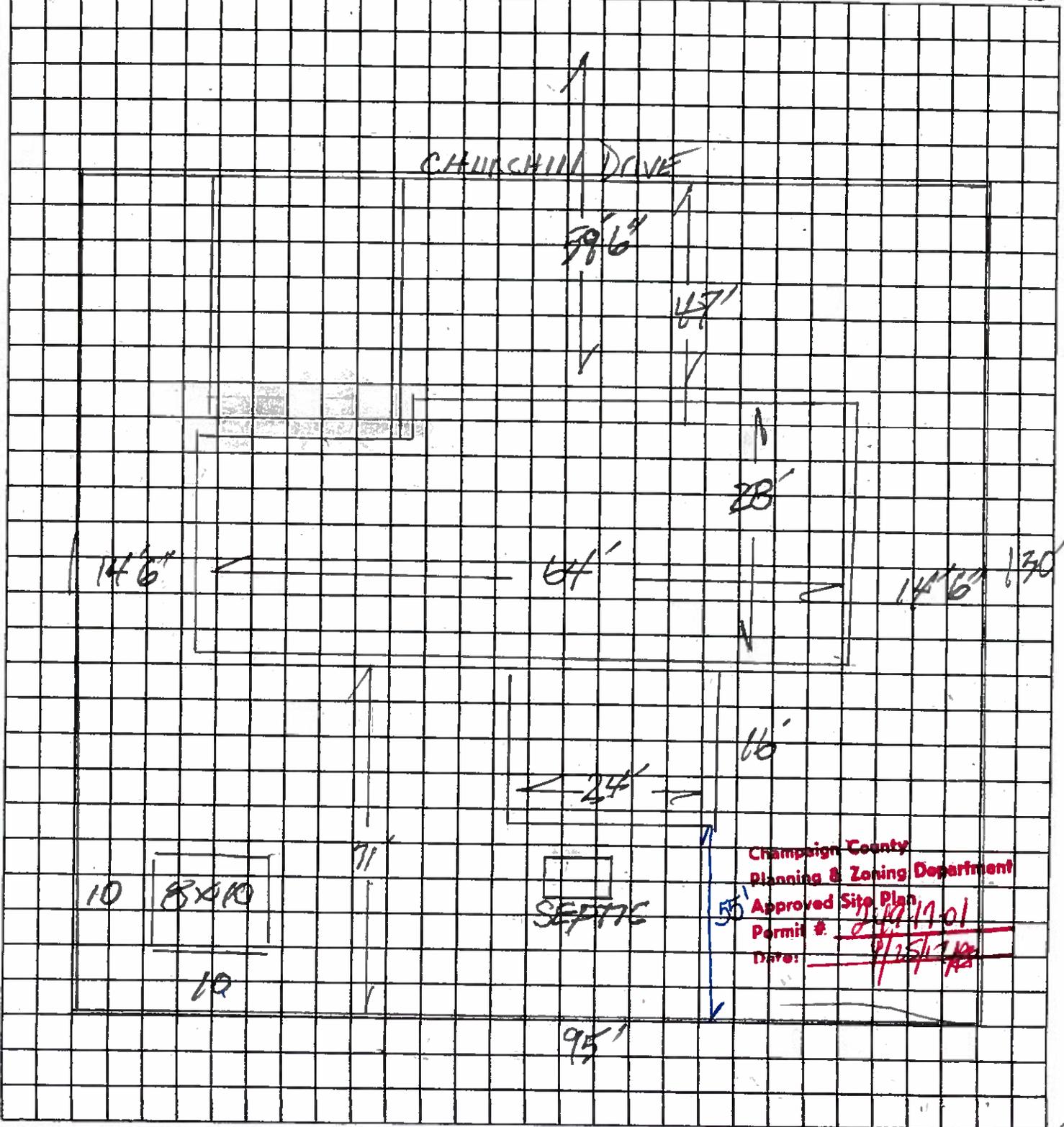
SEP 06 2017

RECEIVED

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



Date Received: \_\_\_\_\_ North Arrow: \_\_\_\_\_ Approval (Office Use Only): \_\_\_\_\_



To: Daryl Mowry

Lot # 74 Woodard Heather Hills Subdivision, St. Joseph Township, Champaign County, IL.  
PIN# 28-22-02-181-006

From: Steve Mathine

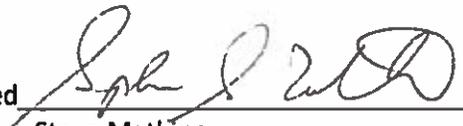
Lot # 75 Woodard Heather Hills Subdivision, St. Joseph Township, Champaign County, IL  
PIN# 28-22-02-181-007

Re: Transfer of property

I, Steve Mathine, own 2 lots to the East of Daryl Mowry's lot in the Woodard Heather Hills Subdivision. On my property, I have built an oversized garage which sits 21 ft. from the edge of my property line. Daryl is inquiring about putting a garage that will sit on my property line, which with this document I am granting him permission to do so. With this transaction, it will leave roughly 20ft of space between each structure.

Given this date, OCT. 15, 2017, I, Steve Mathine, give my permission to Daryl Mowry to build his garage on my property line.

Signed

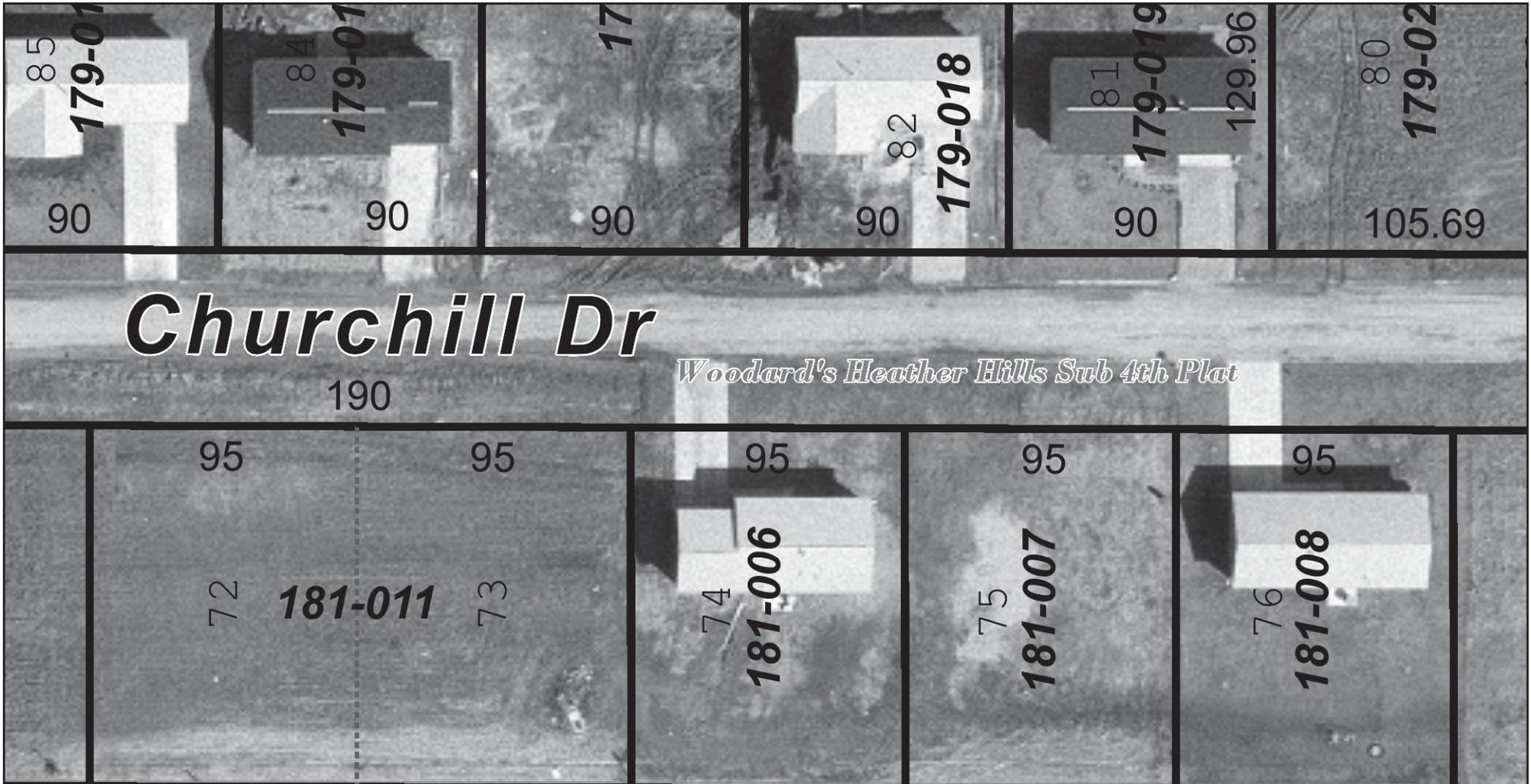
  
\_\_\_\_\_  
Steve Mathine

RECEIVED

OCT 18 2017

CHAMPAIGN CO. P & Z DEPARTMENT

# 1973 aerial



Champaign County GIS Consortium



This map was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this map is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this map and information contained herein. The use of this map constitutes acknowledgement of this disclaimer.





# Churchill Dr

*Woodard's Heather Hills Sub 4th Plat*



Champaign County GIS Consortium

30  
Feet

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**From SE corner of subject property, facing NW**



**From SE corner of subject property, facing north**



**From SE corner of subject property, facing west**



**From SE corner of subject property, facing neighbors to east**

**PRELIMINARY DRAFT**

**890-V-17**

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

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

Date: *{February 15, 2018}*

Petitioners: Daryl Mowry and Sharon Weller

Request: Authorize the following Variances in the AG-2 Agriculture Zoning District:

Part A: A detached shed with a side yard of 0 feet in lieu of the minimum required 10 feet for accessory structures, per Section 7.2.3 A.2.; and

Part B: A minimum lot area of 12,350 square feet in lieu of the minimum required 20,000 square feet, and an average lot width of 95 feet in lieu of the minimum required 100 feet, per Section 5.3 of the Zoning Ordinance.

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 15, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners, Daryl Mowry and Sharon Weller, own the subject property.
2. The subject property is a 12,350 square feet lot (0.28 acre) that is on Lot 74 of Woodard's Heather Hills 4th Subdivision in Section 2 of St. Joseph Township and commonly known as the residence at 2243 Churchill Drive, St. Joseph.
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 St. Joseph, 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 St. Joseph Township, which has a Plan Commission. Township Plan Commissions have protest rights on a variance and are notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is a 12,350 square feet lot and is currently zoned AG-2 Agriculture. Land use is a single family residence.
  - B. Land to the north, east and west is zoned AG-2 Agriculture, all with single family residences.
    - (1) The proposed shed would be located on the east property line; the property east of that is a 2-lot joint lot development which has only a garage on the lot closer to the subject property, and a house on the next lot east. The property to the west is also on 2 lots.
  - C. Land to the south is zoned AG-1 Agriculture and is in agricultural production.
  - D. There is a 10 feet wide utility easement on the south property line per the Plat of Survey for Woodard's Heather Hills 4th Subdivision recorded January 19, 1971.
    - (1) The petitioner proposes to construct the detached shed outside the easement, as required, 10 feet from the south property line.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Regarding the site plan for the subject property:
  - A. The Petitioner's Site Plan, received October 18, 2017, indicates the following:
    - (1) Existing buildings consist of the following:
      - a. One 28 feet by 64 feet residence;
      - b. One 8 feet by 10 feet shed in the southwest corner of the property;
      - c. One leach field and septic tank in the center of the back yard; and
      - d. Several large trees and bushes throughout the property.

**PRELIMINARY DRAFT****Case 890-V-17**

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- (2) There is one proposed building:
  - a. One 18 feet by 30 feet shed in the southeast corner of the back yard.
  
- B. There was one previous Zoning Use Permit #249-17-01 for the subject property, to construct an addition to the existing residence, approved on September 25, 2017.
  - (1) The need for a variance for lot area and width was overlooked when the permit for the addition to the home was reviewed and issued. The subject property was in common ownership with Lot 75 to the east when the Zoning Ordinance was adopted on October 10, 1973, which made it a conforming lot with respect to lot area and width.
  
- C. Regarding the history of common ownership for Lots 74 and 75:
  - (1) The fourth plat of Woodard Heather Hills Subdivision was created by Ralph and Beatrice Woodard per an ownership certificate dated January 7, 1971 and recorded as document 1971R658 on January 19, 1971.
  - (2) Lot 74 was conveyed to Ralph and Beatrice Woodard in a Trustee's Deed dated February 28, 1972 and recorded in the Book of Deeds 975 page 686.
  - (3) Lot 74 was sold by Ralph and Beatrice Woodard on June 13, 1975, per recorded document 1975R8284.
  - (4) No deeds were found for Lot 75 prior to a Warranty Deed recorded as document number 1976R20434 on November 1, 1976, when Ralph and Beatrice Woodard sold Lot 75 to the owners of Lot 76, which made the subject property, Lot 74, an illegal lot.
  - (5) The proposed variances for minimum lot size and average lot width will make the property conform to the Zoning Ordinance provisions.
  
- D. The required variance is as follows:
  - (1) Part A: A detached shed with a side yard of 0 feet in lieu of the minimum required 10 feet for accessory structures, per Section 7.2.3 A.2.
  - (2) Part B: A minimum lot area of 12,350 square feet in lieu of the minimum required 20,000 square feet, and an average lot width of 95 feet in lieu of the minimum required 100 feet, per Section 5.3 of the Zoning Ordinance.

**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.

**PRELIMINARY DRAFT**

- (2) "AREA, LOT" is the total area within the LOT LINES.
- (3) "BUILDING, DETACHED" is a BUILDING having no walls in common with other BUILDINGS.
- (4) "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.
- (5) "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.
- (6) "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.
- (7) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (8) "LOT LINES" are the lines bounding a LOT.
- (9) "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.
- (10) "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.
- (11) "PLAT" is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
- (12) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
- (13) "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.
- (14) "YARD" is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.

**PRELIMINARY DRAFT****Case 890-V-17**

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- (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.
- (16) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- (17) “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-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- 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. Minimum SIDE YARD for an accessory structure in the AG-2 Agriculture District is established in Section 7.2.1.B. of the Zoning Ordinance as 10 feet.
- E. Minimum lot area in the AG-2 Agricultural District is established in Section 5.3 of the Zoning Ordinance as 20,000 square feet.
- F. Minimum average lot width in the AG-2 Agricultural District is established in Section 5.3 of the Zoning Ordinance as 100 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, **“Size of garage needed being able to back a boat up and get around the house. The septic system is in the middle of the yard and there are mature trees.”**
  - B. There is a 10 feet wide utility easement on the south property line per the Plat of Survey for Woodard’s Heather Hills 4th Subdivision recorded January 19, 1971.
    - (1) The petitioner proposes to construct the detached shed outside the easement, as required, 10 feet from the south property line.
  - C. The need for a variance for lot area and width was overlooked when ZUPA #249-17-01 for the addition to the home was reviewed and issued. The subject property was in common ownership with Lot 75 to the east when the Zoning Ordinance was adopted on October 10, 1973, which made it a conforming lot with respect to lot area and width. In 1976, Lot 75 was sold to the owners of Lot 76, which made the subject property, Lot 74, an illegal lot. The proposed variances for minimum lot size and average lot width will make the property conform to the Zoning Ordinance provisions.
  - D. Lots 86-87, 67-68, 72-73, and 75-76 in the Fourth Plat of Woodard’s Heather Hills Subdivision have been combined to have 1 house on each lot pair. There are 5 other multiple-lot properties in the Heather Hills Subdivision.

**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, **“Same as letter ‘A’ above - Size of garage needed being able to back a boat up and get around the house. The septic system is in the middle of the yard and there are mature trees.”**
  - B. Regarding the proposed Variance: without the proposed variance, the Petitioner would not be able to construct the size of shed needed to store their boat.

**PRELIMINARY DRAFT****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. According to the Assessor’s property records, the Petitioner purchased the property in August 2015.
  - C. The petitioner did not plant the trees, or change the location/size of the septic system.
  - D. The petitioner spoke with his neighbor to the east, Steve Mathine, about constructing the proposed shed on their shared property line. In a letter dated October 15, 2017, and received October 18, 2017, Mr. Mathine states, “I own 2 lots to the east of Daryl Mowry’s lot. I have built an oversized garage which sits 21 feet from the edge of my property line. Daryl is inquiring about putting a garage that will sit on my property line, which with this document I am granting him permission to do so. With this transaction, it will leave roughly 20 feet of space between each structure.”

**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, **“Neighbors on east and west sides have 2 lots each with extra two-car garages already. We would like to keep as much yard as possible.”**
  - B. Regarding the proposed Variance for an accessory building with a side yard of 0 feet in lieu of the minimum required 10 feet in the AG-2 Agriculture District: the requested variance is 0% of the minimum required, for a variance of 100%.
  - C. Regarding the proposed variance for a minimum lot area of 12,350 square feet in lieu of the minimum required 20,000 square feet, and an average lot width of 95 feet in lieu of the minimum required 100 feet; the required variance for lot area is 62% of the minimum requirement, for a variance of 38%, and the required variance for average lot width is 95% of the minimum requirement, for a variance of 5%.
  - D. Regarding the proposed Variances, besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area and average lot width requirement, other considerations are as follows, which are also applicable to the basis for the minimum side yard:
    - (1) Adequate light and air: The subject property is in residential use. The surrounding properties are in residential use or agricultural production.
    - (2) Separation of structures to prevent conflagration: The subject property is within the St. Joseph-Stanton Fire Protection District and the station is approximately 2 road

**PRELIMINARY DRAFT**

miles from the subject property. The nearest structure on adjacent property to the proposed shed is a garage that is approximately 20 feet away.

- (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: **“Neighbors on east and west sides have 2 lots each with extra two-car garages already. We would like to keep as much yard as possible.”**
  - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
  - C. The St. Joseph-Stanton Fire Protection District has been notified of this variance but no comments have been received.
  - D. The nearest building on neighboring property is a detached garage that is approximately 20 feet from the shared property line.

**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: **“Would like to keep our house similar to neighbors on both sides.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

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

**DOCUMENTS OF RECORD**

1. Variance Application received October 18, 2017, with attachments:
  - A Site Plan received October 18, 2017
  - B Letter from neighbor Steve Mathine dated October 15, 2017 and received October 18, 2017
2. Fourth Plat of Woodard's Heather Hills Subdivision recorded as document number 1971R658 on January 19, 1971
3. Trustee's Deed for Lot 74 recorded in Book 975 page 868 on February 28, 1972
4. Warranty Deed for Lot 75 recorded as document number 1976R20434 on November 1, 1976
5. Site Plan for ZUPA #249-17-01, approved September 25, 2017
6. Preliminary Memorandum dated February 7, 2018, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received October 18, 2017
  - C Site Plan from ZUPA #249-17-01, approved September 25, 2017
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  - E Aerial photos from 1973 and 2017
  - F Images of Subject Property taken November 29, 2017
  - G Draft Summary of Evidence, Finding of Fact, and Final Determination dated February 15, 2018

**PRELIMINARY DRAFT**

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **890-V-17** held on **February 15, 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 Variances requested in Case **890-V-17** are hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Daryl Mowry and Sharon Weller**, to authorize the following variances in the AG-2 Agriculture Zoning District:

Part A: A detached shed with a side yard of 0 feet in lieu of the minimum required 10 feet for accessory structures, per Section 7.2.3 A.2.; and

Part B: A minimum lot area of 12,350 square feet in lieu of the minimum required 20,000 square feet, and an average lot width of 95 feet in lieu of the minimum required 100 feet, 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:

Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date