

CASE NO. 891-V-17

SUPPLEMENTAL MEMORANDUM #1
February 15, 2018

Petitioner: **Jesse Rednour**

Request: **Authorize the following variance from the Champaign County Zoning Ordinance in the AG-1 Agriculture Zoning District:**

Part A: Authorize the construction and use of an existing detached garage with a side yard of 8 feet in lieu of the minimum required 10 feet, per Section 7.2.1 B. of the Zoning Ordinance.

Part B: Authorize the construction and use of an addition to an existing detached garage with a side yard of 8 feet in lieu of the minimum required 10 feet, per Section 7.2.1 B. of the Zoning Ordinance.

Subject Property: **A 1.77 acre lot that is part of Lots 2 and 3 of a subdivision of part of the east half of Section 36, more specifically in the Northeast Quarter of the Northeast Quarter of Section 36, Township 18 North, Range 7 East of the Third Principal Meridian, in Colfax Township and commonly known as the residence at 589 CR 700N, Sadorus.**

Site Area: **77,101 square feet (1.77 acres)**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

On February 9, 2018, P&Z Staff received a letter from Thomas and Pamela Smith, owners of the 13.56 acre property west of the subject property (see Attachment). They request that the ZBA deny the proposed 8 feet setback for the proposed detached garage addition. They provide a list of adverse impacts that have occurred since the building of the existing garage and tree planting.

On February 14, 2018, Thomas and Pamela Smith submitted a packet of annotated photos, conclusions, and questions for the Board (see Attachment).

ATTACHMENTS

- A Letter from Thomas and Pamela Smith received February 9, 2018
- B Request for Variance Denial packet from Thomas and Pamela Smith received February 14, 2018

February 9, 2018

Thomas and Pamela Smith
1306 Greenridge Dr.
Urbana IL 61802

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CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County Zoning Board of Appeals
Champaign County Zoning Case 891-V-17

579 CR 700 N Sadours IL

Dear Mr. Hall

We respectfully request the Zoning Board maintain the 10 foot county setback for the new addition Mr. Rednour has planned to build. Our farm ground has been adversely impacted by the existing structure and trees Mr. Rednour has placed along our property line. We feel the addition will further exasperate the issue if the variance is granted.

The current structure is ~ 7.5 feet off of the property line as measured from the property pin and the trees are closer, hanging on and over the property line. Since the building of the current structure and planting of the trees the following adverse impacts have occurred.

- a. Our farmer has moved further off of the property line to work the field because the trees have snagged in his equipment – he began creating a 6 foot grass strip between the property line and our crops
- b. The burial of a power line between the property line and the 10 foot setback causing the installers to drive on our crop land and compact the soil. (Even though we had spoken with the installers and requested they stay off the field.)
- c. The burial for the power line so close to our tillable land has caused our farmer to move further off of the property line for safety reasons
- d. Crops adjacent to Mr. Rednours property have been stunted, and killed outright due to either overspray or flooding.
- e. Efforts to talk with Mr. Rednour have not helped and he continues to push toward the property line

Additionally, we understand the variance is measured from the foundation of the proposed building to property line; what size of overhang is proposed? This larger building will significantly increase the water runoff on to our property increasing the likely hood of crop damage. Granting the variance will also increase the likely hood of trespass on to our property by those working on Mr. Rednours parcel.

All of the above actions have reduced the income from this acreage and have had an adverse impact on our farm ground. Your help in maintaining the 10 foot setback will help prevent further damage to our crop land.

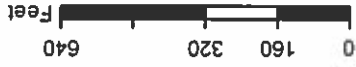
United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership, rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data as is and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

Tract Cropland Total: 10.42 acres

Tract 13060
Farm 9734

2018 Program Year
Map Created February 08 2018

- Common Land Unit
- Tract Boundary
- Non-Cropland
- Cropland
- Wetland Determination
- Resriected
- Limited
- Exempt from Conservation
- Compliance Provisions



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Champaign County, Illinois



Request for Variance Denial

Case 891-V-17

Submitted by Thomas and Pamela
Smith

2.15.18

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North Property Pin between Smith Farm and Rednour Property

PROPERTY PIN HAS BEEN MOVED BY UNKONWN PRESON.
THE PIN SHOULD BE ~ 6" WEST AND NORTH OF THE WOODEN POLE.

Reference is relevant to subsequent slides

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West side of Smith property adjacent to East side of Rednour property

THIS VIEW IS FROM THE PROPERTY PIN, LOCATED SOUTH, OF THE PIN NEAR THE WOODEN POLE, AT THE NORTH PROPERTY LINE. THE TREES ADJACENT TO THE SMITH PROPERTY ARE OVER THE LINE AND HAVE CAUSED INTERFERENCE WITH FARMING OPERATIONS.

IN ADDITION: SOMEWHERE BETWEEN THE PROPERTY LINE AND THE TREE TRUNKS IS A BURIED POWER LINE. BOTH THE TREES AND POWER LINE HAVE CAUSED SAFETY CONCERNS FOR OUR FARMER — SEE NEXT PICTURE

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South from north property pin

View from wooden pole near property pin –

Buried power line



Run off from existing building - GUTTER down spout aimed to field – drowns crops.

Increased building size to 70' in length will increase crop and field damage from run off – even with the 10 foot set back.



Roof drain from existing building

Down spout drains to field

Measurement from the foundation of building to property line, using a transit, and property pins :

Building is 7.5 feet off of property line.

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There is area to place the building at the proposed site with the 10' set back or to place the building at an alternate location on the property.



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Conclusion

We request the 10' setback be maintained and the variance request denied.

1. The addition of the new building will create a roof line of at least 70 foot and will increase the crop damage in the field near the building and have an increased negative impact on the income from this property.
2. We request the run off from the current building be moved to insure the water is not directed on to our field.
3. Because our property has been subdivided – the future use of the ground will also be impacted by buildings placed along this property line and the setbacks used.
4. We understand there isn't much that can be done with the current building in place with a setback of 7.5 feet, however, we strongly feel the new building must adhere to the 10' setback.
5. We try to be good neighbors, our farmer keeps off of the property line, we do not spray near the trees to insure no over spray damage and we try to keep our operation from having a negative impact on our neighbors. We would like to see this reciprocated with the denial for the variance request.

Questions

1. What type of foundation and grade will be created for the new building?
2. What measures will be taken to insure run off from the new building will be directed away from the field?
3. Who is responsible for having the property pin reset? We received a quote of \$750 from BAC with an additional cost of \$50 to set the pin in concrete.

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