

CASE NO. 921-V-18
SUPPLEMENTAL MEMORANDUM #1
January 17, 2019

Petitioners: **Stephen and Jennifer Roland**

Request: **Authorize a variance from the Zoning Ordinance on a property in the AG-1 Agriculture Zoning District:**

Part A: Authorize a variance for the separate use of an existing non-conforming lot that was in common ownership with adjacent property that has an average lot width of 161 feet in lieu of the required minimum 200 feet, and a lot area of 12,558 square feet (0.288 acre) in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

Part B: A variance for an existing non-conforming dwelling with a setback of 44 feet from the street centerline of East South Street in lieu of 55 feet, and a front yard of 16 feet in lieu of 25 feet, per Section 5.3 of the Zoning Ordinance; and

Part C: A variance for a garage addition to an existing non-conforming dwelling with a setback of 52 feet from the street centerline of East South Street in lieu of 55 feet, and a front yard of 24 feet in lieu of 25 feet, per Section 5.3 of the Zoning Ordinance; and

Part D: A variance for an existing non-conforming detached garage with a setback of 18 feet from the street centerline of East South Street in lieu of 55 feet, a front yard of 0 feet in lieu of 25 feet, and a side yard of 5 feet in lieu of 10 feet, per Section 7.2.1 of the Zoning Ordinance.

Subject Property: **A 12,558 square feet tract in the Northwest corner of the Southwest Quarter of Section 16, Township 19 North, Range 7 East of the Third Principal Meridian in Scott Township, and commonly known as the residence at 202 South Main Street, Seymour.**

Site Area: **0.29 acres**

Time Schedule for Development: **Already in use**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

Brookens Administrative
Center
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

STATUS

Attachment A is a packet received from Philip and Hilda Carper, neighbors who live east of the petitioners. Their primary concern is the detached non-conforming garage that is the subject of Waiver Part D. They request that Part D be determined separately from the other waivers and that it be denied.

Note that P&Z Staff included Waiver Part D in the case so that all existing non-conformities had the opportunity to be brought into compliance since a variance was being done for the new garage addition anyway. The petitioners have provided no input as to whether they desire to keep the detached non-conforming garage.

For the front yard measurement of 16 feet for the non-conforming house in Waiver Part B, where there is no safety concern related to its proximity to the street, staff recommends approval of that waiver. For the detached non-conforming shed, however, it seems that the most prudent action would be to not allow the shed to be rebuilt in its current location (should it be destroyed) because there is a safety issue. P&Z Staff recommend either withdrawal of Part D by the petitioner, or denial of Waiver Part D. Either way, it would not be rebuilt in its current location.

BACKGROUND ON PROPERTY LINES AND WAIVER D

P&Z Staff researched the front property line of the subject property upon Mr. Carper's request. Staff notes that there is incomplete information that puts the exact location of the front property line in question:

- The warranty deed for the subject property (one recorded on November 22, 1961, and a second recorded on July 8, 2015) locates the front property line on the Section 16 north line. This would mean that the required front yard would be 25 feet south of the Section 16 north line.
- The Section 16 north line has an uncertain ancestry within the Village of Seymour, because it is based on a Plat of the Original Town of Seymour that does not include necessary measurements to locate the section line accurately. There is an iron pin marking the corner of Section 16 at the intersection of South and Main, but its trajectory along South Street is uncertain.
- The County GIS parcel layer draws the front property line to be an extension of the adjacent G&H Rentals Subdivision in which the Carpers reside. It shows the front property line to be 28 feet south of the Section 16 north line. Note that the subject property is not part of the G&H Rentals Subdivision, so the subdivision's front line does not legally extend across the subject property. Using the G&H Subdivision front property line would mean that the required front yard would be 53 feet south of the Section 16 north line, but we don't know where that is.
- The Carper's submittal shows tax information that reflects the County GIS parcel layer, because it uses a reduced lot size for taxing purposes. This information conflicts with the legally recorded warranty deed.
- No documentation has been found that moves the subject property's north line from how it is described in its warranty deed.
- P&Z Staff checked with County Highway and Scott Township, but neither had documentation.
- We know that the street right-of-way is 60 feet for East South Street, but we do not know how that relates to the street centerline – it is not necessarily centered on that line.

- In phone conversations with Susan Burgstrom, County Highway Engineer Jeff Blue said that it would be appropriate for the subject property's front lot line to follow the adjacent right of way of the subdivision.
- Scott Township Road Commissioner Jeff Sebens said that it would be nice if the shed could be moved out of the street right-of-way in case the township needs to do maintenance there.

ATTACHMENTS

- A Submittal from Phil and Hilda Carper received January 16, 2019
- B Section 8.3 of the Zoning Ordinance: Nonconforming Structures
- C Warranty Deed 2015R12565 recorded July 8, 2015
- D G&H Rentals First Subdivision Plat
- E Original Town of Seymour Plat

Variance Case: 921-V-18

1/16/2019

Dear Zoning Members and Board,

On 1/4/2019 my wife and I received a letter showing a request for four variances on the property at 202 South Main Street, Seymour Illinois, Permanent Index Number 23-19-16-300-001.

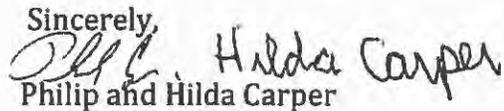
The additions and remodeling at 202 South Main, in Seymour Illinois, have been a nice improvement to the community. We understand there was some difficulties encountered building the addition as drawn on October 16, 2015. There was no variance requested at that time. It was not until June 6, 2018 that an inspection showed discrepancies.

There are four variances request for this property, which are included in this package. We would like to see Part D **separated** from the other parts and denied.

On Part D, the detached non-conforming garage existed before public road Right of Way was believed to have been obtained in 1975. The main part of the non-conforming garage sits **90%** in what is believed to be the public road Right of Way by 19 feet. When door is open it sticks out 25 feet farther. If a car or trailer is parked in front of garage it protrudes out making it hard for us and visitors to see oncoming traffic from the highway to the west and impedes traffic passing each other. The existing pavement is not wide enough for two vehicles without driving on grass in the road Right of Way. With changing demographics and home delivery's, there is a lot more traffic on this road. Since we are retired we are in and out of our drive randomly and more often too. We have had more than a few close calls.

We **object to Part D**, to a variance for the non-conforming detached garage. If destroyed by tornado, fire or other reasons it **should not** be allowed to be replaced in this same location or any approximate location with a 0 feet front set back or half the side set back of 10 feet and on the public road Right of Way. If something happens to the non-conforming garage and is replaced with a new structure it should be held to the Champaign County Zoning Standard, as spelled out in AG-1, Section 5.2. Which calls for 55 feet from centerline of road or 25 feet from front lot line, **whichever is greater**, and a side yard of 10 feet. And section 4.3.3 ,2, that addresses obstruction of sight line and visibility triangle of **Front or Side Lot Line** and from any driveway 15 feet.

The non-conforming garage is in disrepair. It sits on rock and loose cinder blocks with a dirt floor and held up with old wood fence post and leans slightly. The building is not secure and has had vermin taking shelter in it.

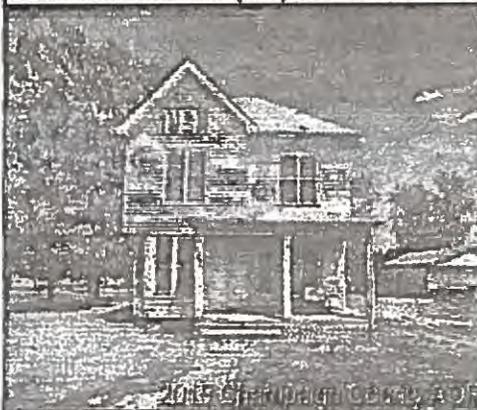
Sincerely,

 Philip and Hilda Carper



Single Family Residential **202 S MAIN ST** **Unit #/Level: /** **\$99,500**

2182008 C **SEYMOUR, IL 61875** **Region: 04 Area: 1 Grd: 0** **DOM: 22**

2 STORY / HOUSE **List: NICK TAYLOR (217) 586-4906 x. of REMAX REALTY ASSOCIATES-MAHO (217) 586-4906 Firm: 122 Agt: 498** **CDOM: 23**



Bedrooms: 3 **County: CHAMPAIGN**
Full Baths: 2 **Town: Yes**
Half Baths: **Zoning:**
Total Baths: 2
Garage: None
Subdiv: G&H Rentals Sub **Grade School: MAHOMET**
Near: Rt.10 **Jr. High: MAHOMET**
Acres: .39 **Senior HS: MAHOMET**
Lot Size: 78 x 161 **Fire Protect. Dist:**
Apx Age: 999 **PIN: 231016300001**
Year Built:

Legal: G&H Rentals 1st Sub

Room	Dim.	Lvl	Floor	B	Room	Dim.	Lvl	Floor	B	Level SF
LVR:	15.8 x 15.4	1	Wood	B	BDR1:	15.3 x 12.8	2	Carpet	F	Upper SF: 1200 Bsmnt SF: 587
DIN:	15.3 x 14.6	1	Wood		BDR2:	15.4 x 14.4	2	Carpet		Main SF: 1152 Fin Bsmnt SF:
KIT:	15.8 x 15.3	1	Vinyl		BDR3:	15.4 x 11.11	2	Carpet		Lower SF: 0 Tot. Fin SF: 2352
FAM:					BDR4:	11.5 x 11.6	2	Carpet		UnFin Low SF: UnFin Bsmnt SF:
UT:	13.8 x 5.8	1			BDR5:					Approx SF: 2352

Family Room Y/N: **Fireplace Y/N:** **Din Y/N:** **Yes** **Bd Suite Y/N:** **Yes**
Foundation Type: BASEMENT **New Const. Y/N: No** **Const. Phase:** **Orientation: W**
Insuln. Cell.: (R) **Inches:** **Insuln. Wall: (R)** **Inches:**
Tax Yr: 2014 **Total Tax: 973** **# Exemp.: 1**
HOA Fees: \$ **HOA M/A:** **Condo Fees: \$** **Condo M/A:**
Other Fees: \$ **Other M/A:**

Architecture: Victorian **Sanitary Systems: Septic** **HVAC: Baseboard, Forced Air, Space Heater, Window A/C**
Outbuildings: Other Building **Water: Municipal** **Fuel Types: Natural Gas**
Exterior: Vinyl **Basement: Partial-Unfinished** **Walls: Drywall, Panel, Plaster**
Fireplace: Wood Stove

Misc Interior: Eat-in Kitchen, Laundry Room, Pantry, Smoke Detector, Walk-in Closet, Carbon Monoxide Detector
Electrical:
Property Incl.: Dishwasher, Disposal, Microwave, Range/Stove, Refrigerator, Window A/C
Misc Exterior: Porch
Docs on File: Seller Disclosure
Listing Condition: RELO

Directions: W on Rt.10 to Seymour, South on Main St.

Remarks: Large Victorian home built in the 1800's with former apartment upstairs has been converted back to a single-family home. Large corner lot. Original woodwork and hardwood floors on first floor. New front and side porch. Front parlor plus huge family room and dining area with wood-burning stove. Many updates have been done to this home including 2 remodeled bathrooms. Surprising master suite for older home including walk-in closet, separate smaller closet and huge bathroom. Outdoor workshop for storage or projects. Make your appointment today.

Agent Remarks: Call LA Davonne Porter w/ questions and offers 493-2361

Possession: 45 Days **Tenants Rights: No**

Show: Call Travis 217-849-0443. If no call back within hour, call 217-278-1911. KB on side door (north)

CC: 3 **Key Box: ccar/ibox** **Owner: Winkler** **Phone:**

List Dt: 05/08/2015	List Frm: 122	Office Phone: (217) 586-4906
List Off: 1	List Agt: 496	Contact #: (217) 586-4906
Pend Dt: 05/28/2015	Pend Agt: 496	Buyers Name: Roland
Sold Prc: \$93,000	Sold Dt: 07/07/2015	Sell Frm: 122
Sell Agt: 496	How Sold: CNV	Short Sale: No
Orig List Agt: 496	Orig Sell Agt: 496	Foreclosure Sale: No
Seller Conces.: Yes	Seller Conces \$: \$1,500	Seller Conces Typ: CLOSING COSTS
Relocation Sale: No		



PTAX-203

Illinois Real Estate Transfer Declaration

Please read the instructions before completing this form. This form can be completed electronically at tax.illinois.gov/reid.

Step 1: Identify the property and sale information.

1 202 SOUTH MAIN
Street address of property (or 911 address, if available)

SEYMOUR 61875
City or village ZIP

SCOTT
Township

2 Write the total number of parcels to be transferred. 1

3 Write the parcel identifying numbers and lot sizes or acreage.

Property index number (PIN)	Lot size or acreage
a <u>23-19-16-300-001</u>	<u>78X161</u>
b _____	_____
c _____	_____
d _____	_____

Write additional property index numbers, lot sizes or acreage in Step 3.

4 Date of instrument: 0 / 7 / 20 15
Month Year

5 Type of instrument (Mark with an "X"):
 Quit claim deed Executor deed Warranty deed
 Beneficial interest Other (specify): _____

6 Yes No Will the property be the buyer's principal residence?

7 Yes No Was the property advertised for sale?
(i.e., media, sign, newspaper, realtor)

Identify the property's current and intended primary use.
Current Intended (Mark only one item per column with an "X")

a	<input type="checkbox"/>	<input type="checkbox"/>	Land/lot only
b	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Residence (single-family, condominium, townhome or duplex)
c	<input type="checkbox"/>	<input type="checkbox"/>	Mobile home residence
d	<input type="checkbox"/>	<input type="checkbox"/>	Apartment building (6 units or less) No. of units _____
e	<input type="checkbox"/>	<input type="checkbox"/>	Apartment building (over 6 units) No. of units _____
f	<input type="checkbox"/>	<input type="checkbox"/>	Office
g	<input type="checkbox"/>	<input type="checkbox"/>	Retail establishment
h	<input type="checkbox"/>	<input type="checkbox"/>	Commercial building (specify): _____
i	<input type="checkbox"/>	<input type="checkbox"/>	Industrial building
j	<input type="checkbox"/>	<input type="checkbox"/>	Farm
k	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify): _____

Do not write in this area. County Recorder's Office use.

2015R12565
 REC ON: 07/08/2015 4:30:00 PM
 CHAMPAIGN COUNTY
 BARRARA & BRASCA RECORDED
 REC FEE: \$10.00
 RRSFS FEE: \$0.00
 REV FEE: 139.50
 PAGES 2
 PLAT ACT: OPLAT PAGE:

9 Identify any significant physical changes in the property since January 1 of the previous year and write the date of the change.
 Date of significant change: _____ / _____ / _____
 (Mark with an "X.")

Demolition/damage Additions Major remodeling
 New construction Other (specify): _____

10 Identify only the items that apply to this sale. (Mark with an "X.")

a Fulfillment of installment contract —
 year contract initiated: _____

b Sale between related individuals or corporate affiliates

c Transfer of less than 100 percent interest

d Court-ordered sale

e Sale in lieu of foreclosure

f Condemnation

g Short sale

h Bank REO (real estate owned)

i Auction sale

j Seller/buyer is a relocation company

k Seller/buyer is a financial institution or government agency

l Buyer is a real estate investment trust

m Buyer is a pension fund

n Buyer is an adjacent property owner

o Buyer is exercising an option to purchase

p Trade of property (simultaneous)

q Sale-leaseback

r Other (specify): _____

s Homestead exemptions on most recent tax bill:

1 General/Alternative	\$	6,000.00
2 Senior Citizens	\$	0.00
3 Senior Citizens Assessment Freeze	\$	0.00

Step 2: Calculate the amount of transfer tax due.

Note: Round Lines 11 through 18 to the next highest whole dollar. If the amount on Line 11 is over \$1 million and the property's current use on Line 8 above is marked "e," "f," "g," "h," "i," or "k," complete Form PTAX-203-A, Illinois Real Estate Transfer Declaration Supplemental Form A. If you are recording a beneficial interest transfer, do not complete this step. Complete Form PTAX-203-B, Illinois Real Estate Transfer Declaration Supplemental Form B.

11	Full actual consideration	11	\$	93,000.00
12a	Amount of personal property included in the purchase	12a	\$	0.00
12b	Was the value of a mobile home included on Line 12a?	12b		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
13	Subtract Line 12a from Line 11. This is the net consideration for real property.	13	\$	93,000.00
14	Amount for other real property transferred to the seller (in a simultaneous exchange) as part of the full actual consideration on Line 11	14	\$	0.00
15	Outstanding mortgage amount to which the transferred real property remains subject	15	\$	0.00
16	If this transfer is exempt, use an "X" to identify the provision.	16		b <input type="checkbox"/> k <input type="checkbox"/> m <input type="checkbox"/>
17	Subtract Lines 14 and 15 from Line 13. This is the net consideration subject to transfer tax.	17	\$	93,000.00
	Divide Line 17 by 500. Round the result to the next highest whole number (e.g., 61.002 rounds to 62).	18		186.00
19	Illinois tax stamps — multiply Line 18 by 0.50.	19	\$	93.00
20	County tax stamps — multiply Line 18 by 0.25.	20	\$	46.50
21	Add Lines 19 and 20. This is the total amount of transfer tax due.	21	\$	139.50

This form is authorized in accordance with 35 ILCS 200-31-1 et seq. Disclosure of this information is REQUIRED. This form has been approved by the Forms Management Center. IL-492-0227







Zoning Ordinance Section 8.3: NONCONFORMING STRUCTURES

Where, on the effective date of adoption or amendment of this ordinance, a lawful STRUCTURE exists that could not be built under the regulations and standards of this ordinance as adopted or amended, by reason of restrictions on LOT AREA, LOT COVERAGE, HEIGHT, YARDS, spacing between BUILDINGS, or other characteristics of the STRUCTURE or its location on the LOT, such STRUCTURE may be continued so long as it remains otherwise lawful subject to the following provisions:

- 8.3.1** No such STRUCTURE may be enlarged or ALTERED in a way which increases its nonconformity unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.

- 8.3.2** Should such STRUCTURE be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.

- 8.3.3** Should any STRUCTURE be moved for any reason for any distance whatever, it shall thereafter conform to the regulations and standards for the DISTRICT in which it is located after it is moved unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.

2



Prepared By:

JENNY H. PARK
Meyer Capel, a Professional Corporation
306 West Church Street
Post Office Box 6750
Champaign, Illinois 61826-6750
Telephone: (217) 352-1800

2015R12565
REC ON: 07/08/2015 4:30:00 PM
CHAMPAIGN COUNTY
BARBARA A. FRASCA, RECORDER
REC FEE: 44.00
RHSPS Fee: 9.00
REV FEE: 139.50
PAGES 2
PLAT ACT: OPLAT PAGE:

5253-1501920

SPACE ABOVE THIS LINE FOR RECORDER

WARRANTY DEED

THE GRANTOR, TRAVIS R. WINKLER and LAURA J. WINKLER, Husband and Wife, of the Village of Seymour, in the County of Champaign, and State of Illinois, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to the GRANTEES, STEPHEN P. ROLAND and JENNIFER ROLAND, Husband and Wife, of the City of Champaign, County of Champaign, and State of Illinois, not as Tenants in Common or as Joint Tenants, but as Tenants by the Entirety, the following described real estate:

A tract of land in the Northwest Quarter of the Southwest Quarter of Section 16, Township 19 North, Range 7 East of the Third Principal Meridian, situated in Champaign County, Illinois, more particularly described as follows:

Beginning 30 feet East of the Northwest Corner of the Southwest Quarter of Section 16, Township 19 North, Range 7 East of the Third Principal Meridian; then East along the North line of said Southwest Quarter 161 feet; thence South 106 feet; thence West 161 Feet; thence North 106 feet to the Place of Beginning.

Commonly Known as: 202 South Main Street, Seymour, Illinois;

Permanent Parcel Index No.: 23-19-16-300-001.

- Subject to
- (1) Real estate taxes for the year 2014 and subsequent years;
 - (2) Covenants, conditions, restrictions and easements apparent or of record;
 - (3) All applicable zoning laws and ordinances;

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

516

Original Plan of Division

