

1 **MINUTES OF REGULAR MEETING**

2 **CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

3 **1776 E. Washington Street**

4 **Urbana, IL 61801**

5 **DATE: October 29, 2020**

6 **PLACE: ZOOM MEETING**

7 ~~**Lyle Shields Meeting Room**~~

8 ~~**1776 East Washington Street**~~

9 ~~**Urbana, IL 61802**~~

10 **TIME: 6:30 p.m.**

11 **MEMBERS PRESENT:** *Using Zoom in Lyle Shields:* Ryan Elwell, Jim Randol, Larry Wood

12 *Remotely via Zoom:* Tom Anderson, Marilyn Lee, Lee Roberts

13 **MEMBERS ABSENT:** None

14 **STAFF PRESENT:** *Using Zoom in Lyle Shields:* Lori Busboom, Susan Burgstrom, John Hall

15 **OTHERS PRESENT:** *Remotely via Zoom:* Doug Watterson, Dustin Ehler, Julie Ehler

16 **1. Call to Order**

17 The meeting was called to order at 6:35 p.m.

18 **2. Roll Call and Declaration of Quorum**

19 The roll was called, and a quorum declared present.

20 **3. Correspondence - None**

21 **4. Approval of Minutes - None**

22 **5. Continued Public Hearings - None**

23 **6. New Public Hearings**

24 **Case 982-V-20: Petitioner: Doug Watterson**

25 Request: **Authorize the following Variance on a lot in the AG-1 Agriculture Zoning District: Authorize the construction and use of a proposed detached garage with a setback of 47 feet from the centerline of CR 3050N in lieu of the minimum required setback of 55 feet, and a front yard of 0 feet in lieu of the minimum required 25 feet, per Section 5.3 of the Zoning Ordinance.**

26 Location: **A 1.55-acre tract in the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 31, Township 22 North, Range 7 East of the Third Principal Meridian in Brown Township, and commonly known as the residence at 6 County Road 3050N, Foolsland.**

27 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the witness register for that public hearing. He reminded the audience that when they sign the witness register, they are signing an oath.

28 Mr. Elwell informed the audience that this Case is an Administrative Case and as such, the County allows

1 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a  
2 show of hands or a verbal indication from those who would like to cross-examine, and each person will  
3 be called upon. He said that those who desire to cross-examine asked to clearly state their name before  
4 asking any questions. He noted that no new testimony is to be given during the cross-examination. He said  
5 that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-  
6 examination.

7  
8 Mr. Elwell asked Mr. Watterson to outline the nature of his request.

9  
10 Mr. Doug Watterson gave his address as 6 CR 3050N, Foosland. He said that the reason he applied for  
11 the variance is that his lot is very long but narrow. He said he has a couple of outbuildings on the east side  
12 of the house now, and he wants to leave one of them over there. He said he does not want to put anything  
13 on the west side of the house because he has a pretty nice yard down that way and does not want to cut  
14 another driveway in and put a building on that side. He said that he is just trying to have all the buildings  
15 on the same side. He said that he spoke with the Township Road Commissioner and the folks at the grain  
16 elevator, and they didn't have a problem with it, so they are hoping they can get the variance.

17  
18 Mr. Elwell asked if there were any questions from the Board.

19  
20 Mr. Anderson asked Mr. Watterson which way the proposed garage is supposed to face.

21  
22 Mr. Watterson replied that the doors on the proposed garage would be facing to the west.

23  
24 Mr. Anderson asked how the front yard is supposed to be 0 feet, since it looks like there is plenty of  
25 driveway there in front of it.

26  
27 Mr. Watterson said that he is not 100% sure of that himself. He said that he knows that from the center of  
28 the road to the proposed garage, he had to have 55 feet. He said there was something about how much  
29 jurisdiction they have, but he is not sure.

30  
31 Mr. Wood said that he believes the front yard is considered to be the part that is facing the road. He said  
32 that there is an extra wide right-of-way on that road. He said he is not sure why that right-of-way is so  
33 wide; normally it is about 60 feet. He said that the proposed garage would sit on the right-of-way line,  
34 which is why there would be a 0-foot front yard and is the reason for the variance.

35  
36 Mr. Elwell asked what kind of items would be stored in the garage, and why Mr. Watterson needs another  
37 garage.

38  
39 Mr. Watterson said that he has an old car and pick up that are restored. He said they are in his big building  
40 right now, but they are always kind of jammed away or in the way, and he would like to move them to a  
41 better, dust-free building to keep them separate.

42  
43 Mr. Elwell asked Mr. Hall if there was any need for a variance for the house.

44  
45 Mr. Watterson said that it is his understanding that the house was grandfathered in; it was out there before  
46 the regulations went into effect.

47  
48 Mr. Hall said that it looks like the house is about less than 25 feet from the right-of-way, but it's fine. He

1 said that if it needed to be reconstructed after being damaged, the part that was closest to the right-of-way  
2 would need a variance also. He said the house looks to scale about 15 feet from the right-of-way. He said  
3 that it is safe to say that staff was so preoccupied with the garage that we didn't even think about the  
4 house. He said that our concern as staff is whether the proposed garage will encroach into the right-of-  
5 way, given the dimensions that we see. He said that our scaling is that the garage has to be 47 feet from  
6 the center of the pavement in order to not encroach into the right-of-way. He said that Mr. Watterson  
7 proposed it to be 44 feet. He asked Mr. Watterson if he had discussed that with the Township Road  
8 Commissioner.

9  
10 Mr. Watterson said that he showed the Road Commissioner where he wanted to put the garage, and he  
11 didn't have a problem. He said that there is an old sidewalk along the road, and the Commissioner said  
12 that if he located the garage on the north side of that sidewalk, he was fine. He said that the sidewalk is a  
13 lot closer than where he wants to put the building, but the Commissioner was fine with it.

14  
15 Mr. Hall asked if that sidewalk shows up in the photos that were included with the memo. He said he does  
16 not see a sidewalk, but he could be overlooking it.

17  
18 Mr. Watterson said it is just a few slabs that are left over from where there used to be a building on that  
19 side of the property. He said that he guesses that was decades ago. He said that the couple of slabs left are  
20 up by the tree and the driveway, but they are hard to see. He said that Mr. Hall mentioned 44 feet, but the  
21 materials say 47 feet, which is what he thought they were at.

22  
23 Mr. Elwell said that the hand-drawn site plan in Attachment B showed 40 feet.

24  
25 Ms. Burgstrom said that staff took measurements after the hand-drawn site plan was submitted, and that  
26 is where we got the 47 feet to determine the minimum variance.

27  
28 Mr. Elwell asked Mr. Watterson if there would be 3 feet on the north side of the building. He said that we  
29 need it to be 47 feet from the street centerline. He said that in Attachment B, Mr. Watterson noted it would  
30 be 44 feet. He asked Mr. Watterson if the building could be moved 3 feet further north to meet that 47-  
31 foot minimum variance. He noted a small building by the large shop building.

32  
33 Mr. Watterson said that is an old train depot that was moved in there just west and south of his shop. He  
34 said that yes, there is room to move the 24 foot by 24 foot building north 3 feet to get the 47 feet.

35  
36 Mr. Elwell asked if there were any other questions from the Board. He said that there really isn't a better  
37 place to put the proposed garage.

38  
39 Mr. Watterson said not really, it's the best he has.

40  
41 Mr. Elwell asked if there were any questions from the Board or staff. Seeing none, he asked how the Board  
42 would like to proceed.

43  
44 **Mr. Randol moved, seconded by Mr. Wood, to proceed to the Findings of Fact.**

45  
46 The vote was called as follows:  
47 **Anderson – yes** **Elwell - yes** **Randol – yes**  
48 **Roberts – yes** **Wood - yes** **Lee - yes**

1 The motion carried.

2

3 **FINDINGS OF FACT FOR CASE 982-V-20:**

4

5 From the documents of record and the testimony and exhibits received at the public hearing for  
6 zoning case 982-V-20 held on October 29, 2020, the Zoning Board of Appeals of Champaign County  
7 finds that:

8

9 **1. Special conditions and circumstances DO exist which are peculiar to the land or structure**  
10 **involved, which are not applicable to other similarly situated land and structures elsewhere**  
11 **in the same district.**

12

13 Mr. Wood stated that special conditions and circumstances DO exist which are peculiar to the land or  
14 structure involved, which are not applicable to other similarly situated land and structures elsewhere in  
15 the same district because: there is an especially wide right-of-way, and if the right-of-way were normal,  
16 you would not have the variance because there would be a lot more space there.

17

18 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**  
19 **sought to be varied WILL prevent reasonable or otherwise permitted use of the land or**  
20 **structure or construction.**

21

22 Mr. Wood stated that practical difficulties or hardships created by carrying out the strict letter of the  
23 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or  
24 structure or construction because: of the pre-existing structures and also because of the narrow lot  
25 dimensions.

26

27 **3. The special conditions, circumstances, hardships, or practical difficulties DO NOT result**  
28 **from actions of the applicant.**

29

30 Mr. Wood stated that the special conditions, circumstances, hardships, or practical difficulties DO NOT  
31 result from actions of the applicant because: the lot size and the location of the house were set prior to the  
32 Zoning Ordinance.

33

34 **4. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS in harmony**  
35 **with the general purpose and intent of the Ordinance.**

36

37 Mr. Wood stated that the requested variance IS in harmony with the general purpose and intent of the  
38 Ordinance because: it allows for the construction of an attached garage which is typical for a residential  
39 property.

40

41 **5. The requested variance, SUBJECT TO THE PROPOSED CONDITION, WILL NOT be**  
42 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**  
43 **welfare.**

44

45 Mr. Wood stated that the requested variance WILL NOT be injurious to the neighborhood or otherwise  
46 detrimental to the public health, safety, or welfare because: there will be adequate space between the  
47 building and the road, so there should be no public health or safety issue.

48

1 6. The requested variance, SUBJECT TO THE PROPOSED CONDITION, IS the minimum  
2 variation that will make possible the reasonable use of the land/structure.  
3

4 Mr. Wood stated that the requested variance IS the minimum variation that will make possible the  
5 reasonable use of the land/structure because: of the limiting dimensions of the lot and pre-existing  
6 structures.  
7

8 7. THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE  
9 PARTICULAR PURPOSES DESCRIBED BELOW:  
10

11 A. The petitioner shall submit a signed approval from the Brown Township Road  
12 Commissioner with the Zoning Use Permit application that states exactly how far the  
13 building may extend into the CR 3050N right-of-way.  
14

15 The special condition stated above is required to ensure the following:  
16 That there is sufficient road right-of-way on CR 3050N.  
17

18 Mr. Elwell asked Mr. Watterson if he agreed with special condition A.  
19

20 Mr. Watterson said yes.  
21

22 *At this time, the Zoom meeting was hacked and had to be shut down. The meeting ended at*  
23 *approximately 7 p.m.*  
24

25 Respectfully submitted  
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29 Secretary of Zoning Board of Appeals  
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