

CASE 172-V-25
PRELIMINARY MEMORANDUM
August 28, 2025

Petitioner: **Michael Hamer**

Request: **Authorize a variance for an existing detached storage shed with a rear yard of 0 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture Zoning District, per Section 7.2.1 of the Champaign County Zoning Ordinance.**

Location: **A 1.3-acre tract in the North half of the East half of the Fractional Northeast Quarter of Section 3, Township 20 North, Range 10 East of the Third Principal Meridian, in Stanton Township with an address of 2185 County Road 2400N, St. Joseph.**

Site Area: **.28 acres**

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

Prepared by: **Charlie Campo, Senior Planner**
John Hall, Zoning Administrator

BACKGROUND

The Petitioner requests a variance for an existing storage shed that has a rear yard of 0 feet in lieu of the 10 feet minimum required for accessory structures in the AG-1 Zoning District. The 56ft. x 42ft. shed was constructed in 2012 without a permit

The petitioner submitted a Zoning Use Permit Application to construct an addition on the south side of the existing house. During the review of the application, it was noticed that detached storage shed had been constructed without an approved Zoning Use Permit. The shed appeared to be located less than the required 10 feet from the rear property line. The Zoning Use Permit was approved for the house addition with the condition that the petitioner apply for a variance for the storage shed.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.

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

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

Direction	Land Use	Zoning
Onsite	Residential	AG-1 Agriculture
North	Residential/Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture

West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

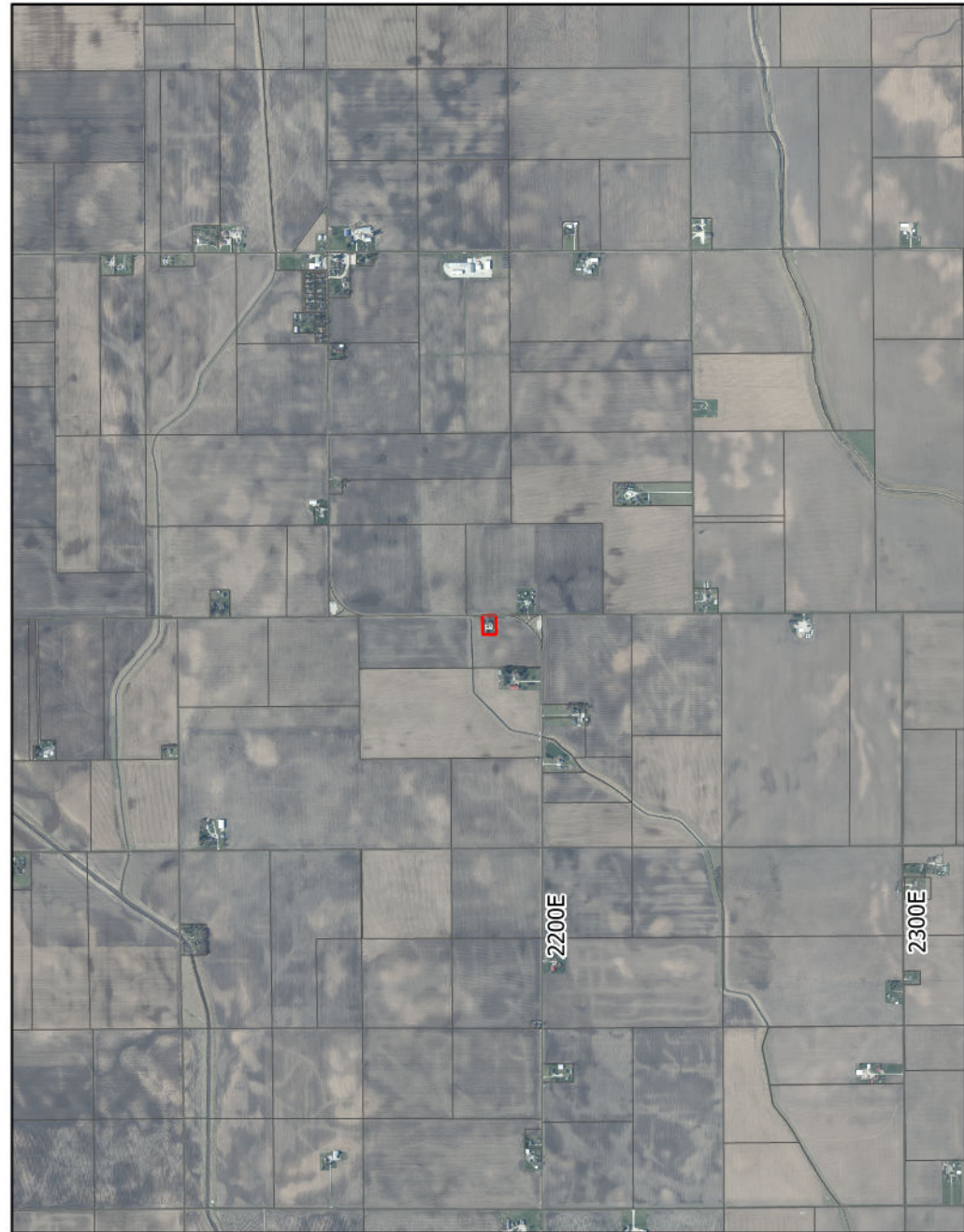
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 3, 2025
- C 2023 Annotated Aerial Photo
- D Site images taken August 20, 2025
- E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 172-V-25 dated August 28, 2025

Location Map

Case 172-V-25

August 28, 2025

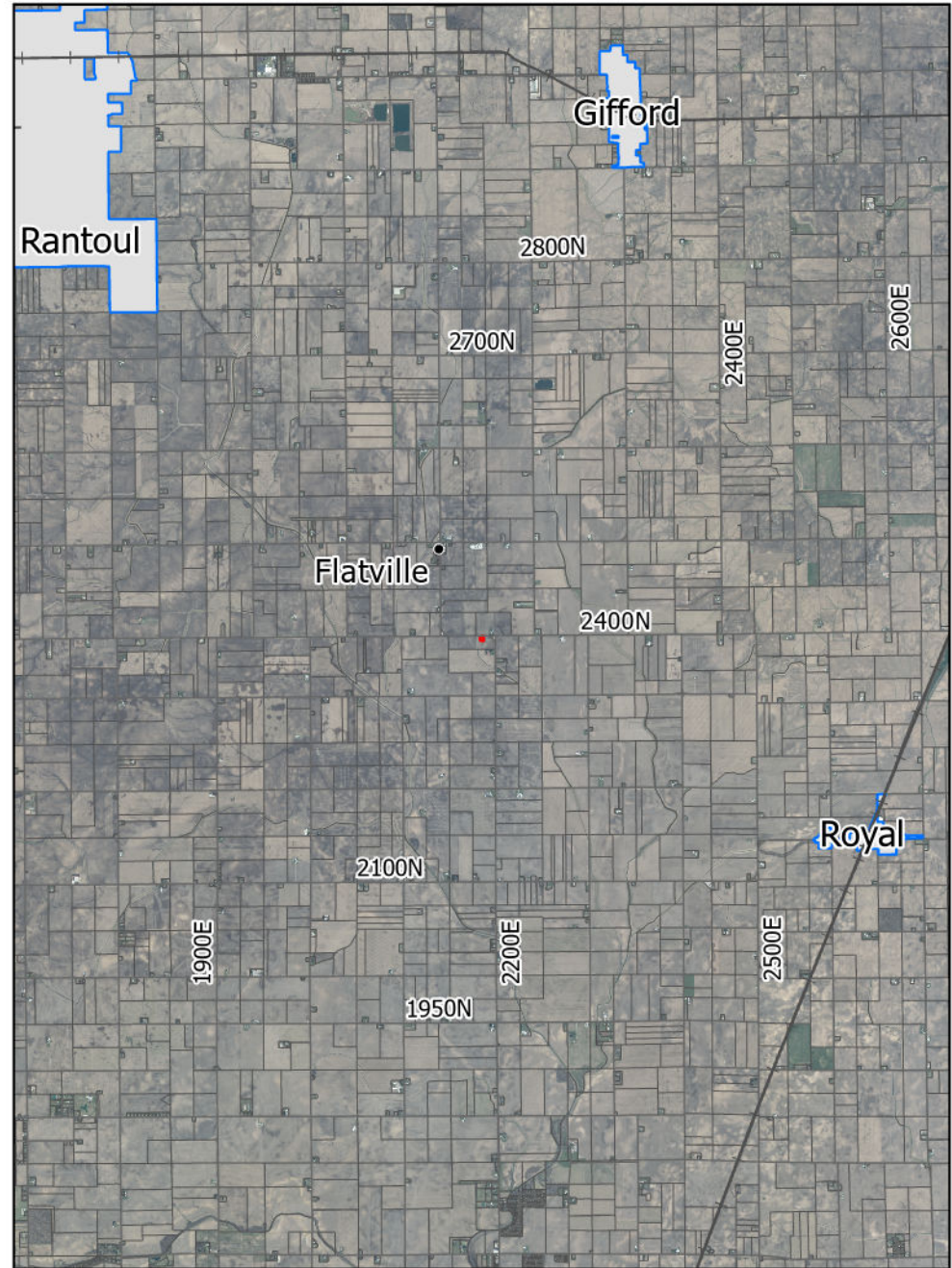
Subject property



 Subject Parcel

0 0.5 1 Miles

Property location in Champaign County



0 2 4 Miles



Land Use Map

Case 172-V-25

August 28, 2025



Subject Parcel

Agricultural

Residential

0

500

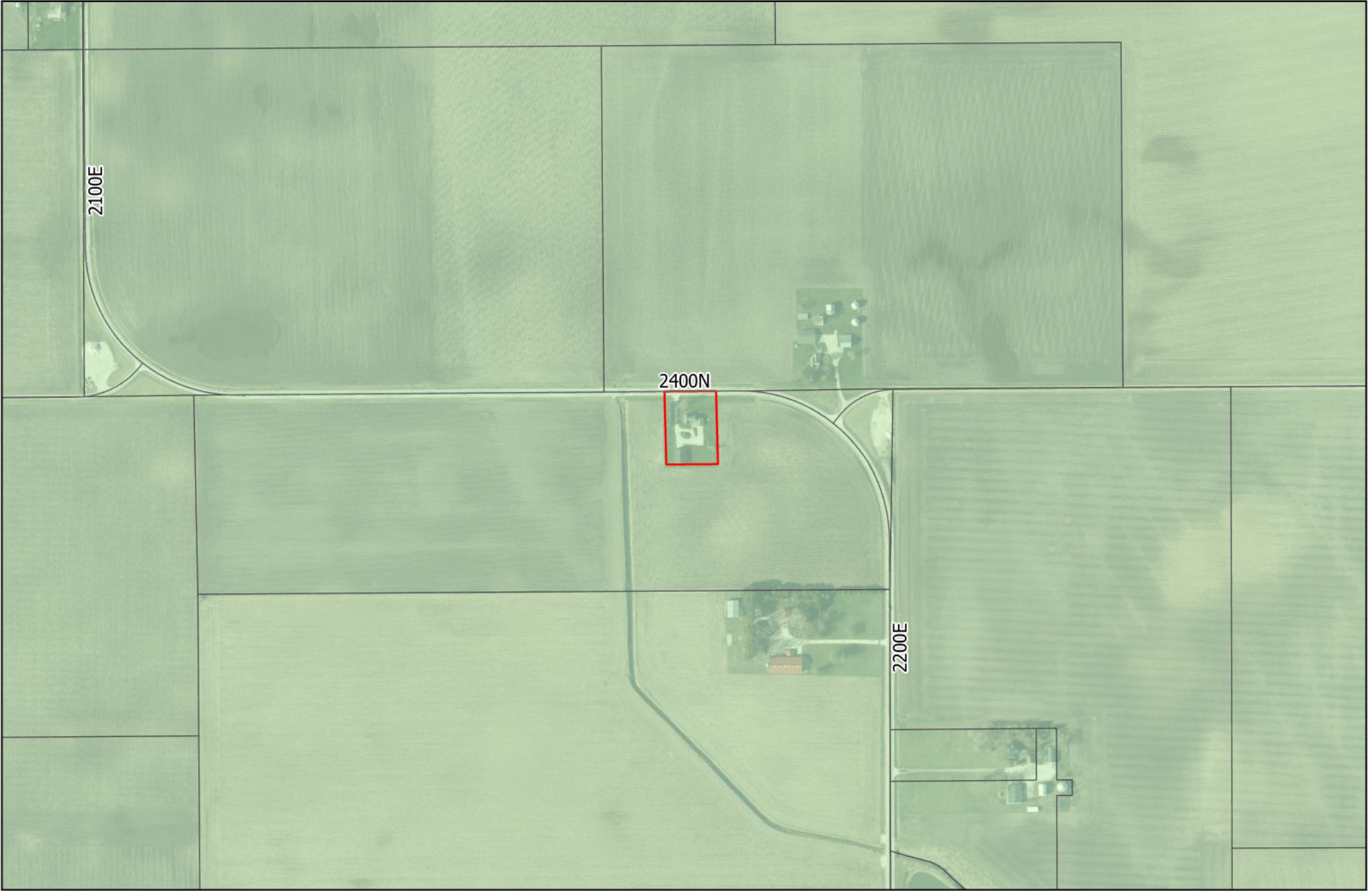
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
Feet

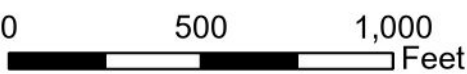
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PLANNING & ZONING

Zoning Map
Case 172-V-25
August 28, 2025



-  Subject Parcel
-  AG-1 Agriculture



SITE PLAN

CHAMPAGN CO. P & Z DEPARTMENT

RECEIVE

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CHAMPAIGN CO. P & Z DEPARTMENT

Champaign County GIS Consortium





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ft

This map application 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 application 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 application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.





-  Subject Parcel
-  Proposed Home Addition

172-V-25 Site Images



From 2400N looking south toward subject property

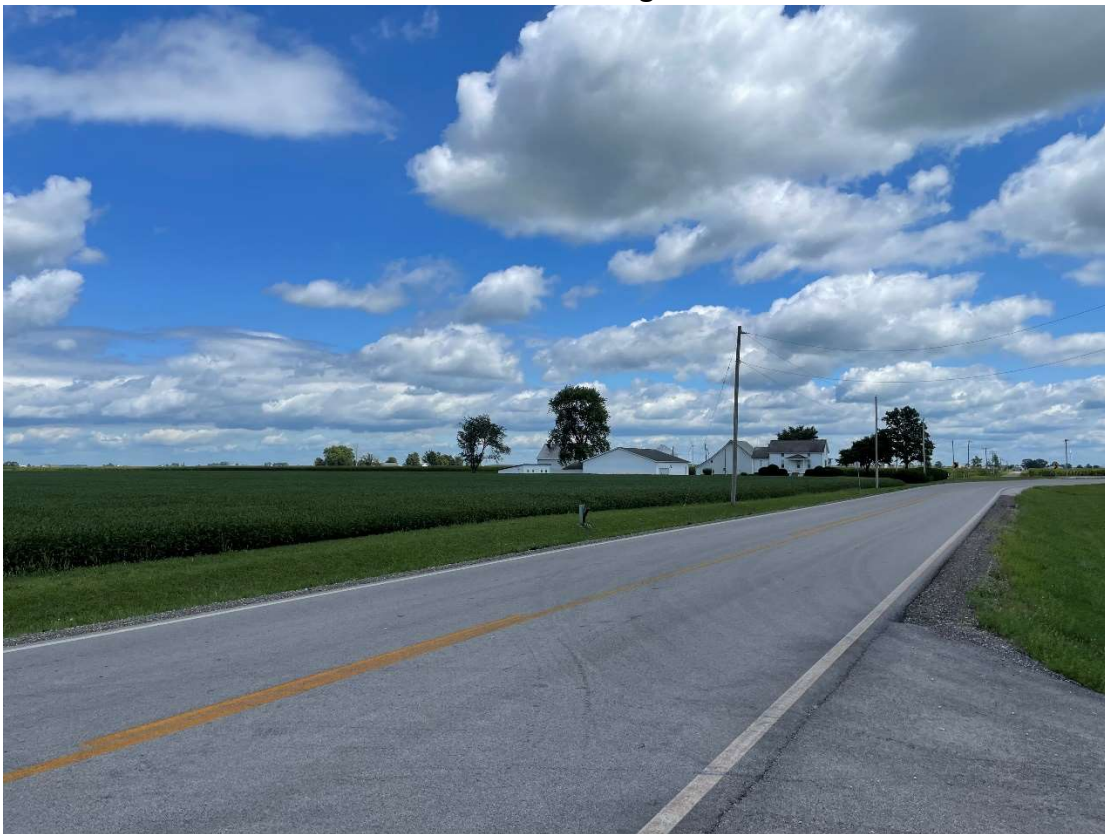


From 2400N looking east

172-V-25 Site Images



From 2400N looking west



From subject property driveway looking northeast toward neighbor

PRELIMINARY DRAFT

172-V-25

**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: ***{August 28, 2025}***

Petitioners: **Michael Hamer**

Request: **Authorize a variance for an existing detached storage shed with a rear yard of 0 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture Zoning District, per Section 7.2.1 of the Champaign County 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 **August 28, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Michael Hamer is an owner of the subject property.
2. The subject property is a 1.3-acre tract in the North half of the East half of the Fractional Northeast Quarter of Section 3, Township 20 North, Range 10 East of the Third Principal Meridian, in Stanton Township with an address of 2185 County Road 2400N, St. Joseph.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Stanton Township, which does not have a Plan Commission. Townships with 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 currently zoned AG-1 Agriculture and is in use as a single-family residence.
 - B. Land surrounding the subject property is also in the AG-1 Agriculture Zoning District and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Site Plan, received July 9, 2025, as part of Zoning Use Permit 184-25-01 indicates the following:
 - (1) Existing structures consist of the following:
 - a. Single-family residence.
 - b. 56 ft. x 42 ft. storage shed.
 - (2) The petitioner proposes to construct a 174 sq. ft. addition to the rear of the existing house.
 - B. The existing house on the property was constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973.
 - C. An addition to the house was approved under Zoning Use Permit 244-9-02FP in 1994.
 - D. The petitioner constructed the 2352 sq. ft. storage shed in 2013 without a permit.
 - E. Zoning Use Permit 184-25-01 was approved July 3, 2025, to construct the addition to the existing home and to authorize the previously constructed storage shed with the condition

that the petitioner submit an Application for Variance and abide by any reasonable requirements from the Zoning Board of Appeals in this case

- F. The requested variance includes the following:
- (1) Authorize a variance for an existing detached storage shed with a rear yard of 0 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture Zoning District, per Section 7.2.1 of the Champaign County 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 STRUCTURE” is a STRUCTURE 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, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “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.
 - (3) “LOT LINES” are the lines bounding a LOT.
 - (4) “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.
 - (5) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
 - (6) “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.
 - (7) “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.
 - (8) “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.

- B. The AG-1 Agriculture Zoning DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- 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.
- D. Minimum REAR YARD for an accessory structure in the AG-1 Agriculture DISTRICT is established in Section 7.2.1.B. of the *Zoning Ordinance* as 10 feet.
- E. Building used for agriculture are generally exempt from the requirements of the *Zoning Ordinance* except the setback requirements from public roads.

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, **“Built based on grass area around the property. My wife and her sister own the property around it.”**
 - B. The petitioner constructed the shed in this location in 2013. The property previously had other agricultural buildings toward the rear of the lot in this general location.

- C. The Petitioner has testified that the building is partly used to store a mowers, sprayers and utility vehicles used for maintenance of the adjacent family-owned farm ground.

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, **“Already built, can not move.”**
 - B. Without the approval of the proposed variance, the petitioner would have to remove the shed or purchase additional land from the LLC that owns the surrounding farm ground.

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, **“I located the building too close to the lot line.”**
 - B. The grassed area of the property extends past the property lines. At the time of construction, the petitioner measured the distances for the location of the shed from the edge of CR 2400N rather than the centerline of the road.

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, **“The building is used for my wife’s farming operation.”**
 - B. Regarding the request for a 0-foot rear yard for the detached storage shed: the requested variance is 0% of the minimum required, for a variance of 100%.
 - C. The surrounding farm ground is owned by an LLC that is made up of one of the subject property owners and her sister.
 - D. The Zoning Ordinance does not clearly state the considerations that underlay the rear yard requirements. In general, the rear yard is presumably intended to ensure the following:
 - (1) Adequate light and air: the adjacent property is in agricultural production.
 - (2) Separation of structures to prevent conflagration: The subject property is within the St. Joseph-Stanton Fire Protection District. The station is approximately 8 road miles from the subject property and the property is approximately 6.5 miles from the Ogden Royal Fire Protection District Station. There are no structures on adjacent property.

- (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: **“My wife owns part of the LLC ground that surrounds the property”**
 - B. The Stanton Township Supervisor has been notified of this variance, and no comments have been received.
 - C. The Stanton Township Road Commissioner has been notified of this variance, and no comments have been received.
 - D. The St. Joseph-Stanton Fire Protection District has been notified of this variance, and no comments have been received.
 - E. Surrounding landowners within 250 feet have been notified of this variance and no comments have been received.
 - F. There are no structures nearby.

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: **“The building is already built.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- A. No special conditions are currently proposed.

DOCUMENTS OF RECORD

1. Application for Variance received July 3, 2025, with attachment:
 - A Site Plan showing existing shed
2. Preliminary Memorandum dated September 18, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 3, 2025
 - C 2023 Annotated Aerial Photo
 - D Site images taken August 20, 2025
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 172-V-25 dated August 28, 2025

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 172-V-25 held on **August 28, 2025**, 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:
 - a. *The subject property previously had storage sheds in this general area and the shed is partly used to support the maintenance of the surrounding farm ground.*
 - b. *The adjacent farm ground is partly owned by one of the owners of the subject property.*
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:
 - a. *Without the approval of the proposed variance, the petitioner would have to remove the shed or purchase additional land.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *At the time of construction, the petitioner measured the distances for the location of the shed from the edge of CR 2400N rather than the centerline of the road.*
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. *The requested variance is 0% of the minimum required, for a variance of 100%.*
 - b. *In general, the rear yard is presumably intended to ensure adequate light and air, separation of structures to prevent conflagration, and aesthetics.*
 - c. *There are no structures on the adjacent property and the St. Joseph-Stanton Fire Protection District has been notified of the requested variance and no comments have been received.*
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:
 - a. *Relevant jurisdictions were notified of this case, and no comments have been received.*
 - b. *There are no structures on the adjacent property which is partly owned by the one of the owners of the Subject Property.*
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/structures because:
 - a. *The requested variance is the minimum variance required to allow the shed to remain in the current location.*
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 **172-V-25** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Michael Hamer**, to authorize the following:

Authorize a variance for an existing detached storage shed with a rear yard of 0 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture Zoning District, per Section 7.2.1 of the Champaign County 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date