Champaign County
Department of
PLANNING &
ZONING

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CASE 173-V-25

PRELIMINARY MEMORANDUM August 28, 2025

Petitioner: Ryan and Sarah Perry

Request: Authorize a variance for the following in the AG-1 Agriculture Zoning District:

Part A: A variance for an existing barn with setback from the centerline of 1900E of 43 feet in lieu of the minimum required 55 feet and a front yard of 23 feet in lieu of the required 25 feet per Section 7.2.1 of the Champaign County Zoning Ordinance.

Part B: A variance for an existing barn with a side yard of 3 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 2-acre tract in the Southwest Quarter of the Southwest Quarter of Section 17, Township 18 North Range 10 East of the Third Principal Meridian in Sidney Township with an address of 906 County Road 1900E, Sidney.

Site Area: 2 acres

Time Schedule for Development: Currently in use

Prepared by: Charlie Campo, Senior Planner

John Hall, Zoning Administrator

BACKGROUND

The petitioner submitted a Zoning Use Permit Application to construct a ground mounted solar array on the north side of the property. During the review of the application, it was noticed that the existing barn had been constructed too close to CR 1900E by the previous owner. The Zoning Use Permit was approved for the solar array with the condition that the petitioner apply for a variance for the existing barn.

The Petitioner requests a variance for an existing barn that was constructed too close to CR 1900E. Agricultural buildings do not require a Zoning Use Permit and are generally exempt from zoning regulations however they must meet the required front setback and yard requirements to allow sufficient space for right-of-way expansion. Variance Part B for being located less than 10 feet from a side lot line was included in the event that the barn is used for non-agricultural purposes in the future it will still conform to the Zoning Ordinance by way of a variance.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Sidney, 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 Sidney Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

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

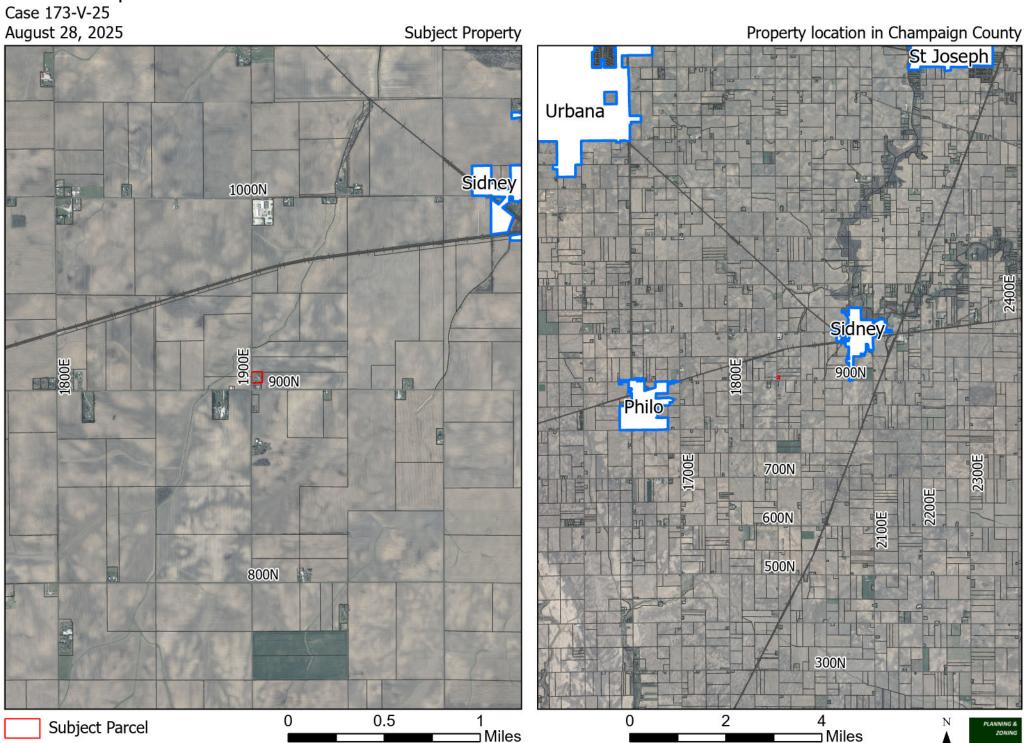
SPECIAL CONDITIONS

No special conditions are proposed.

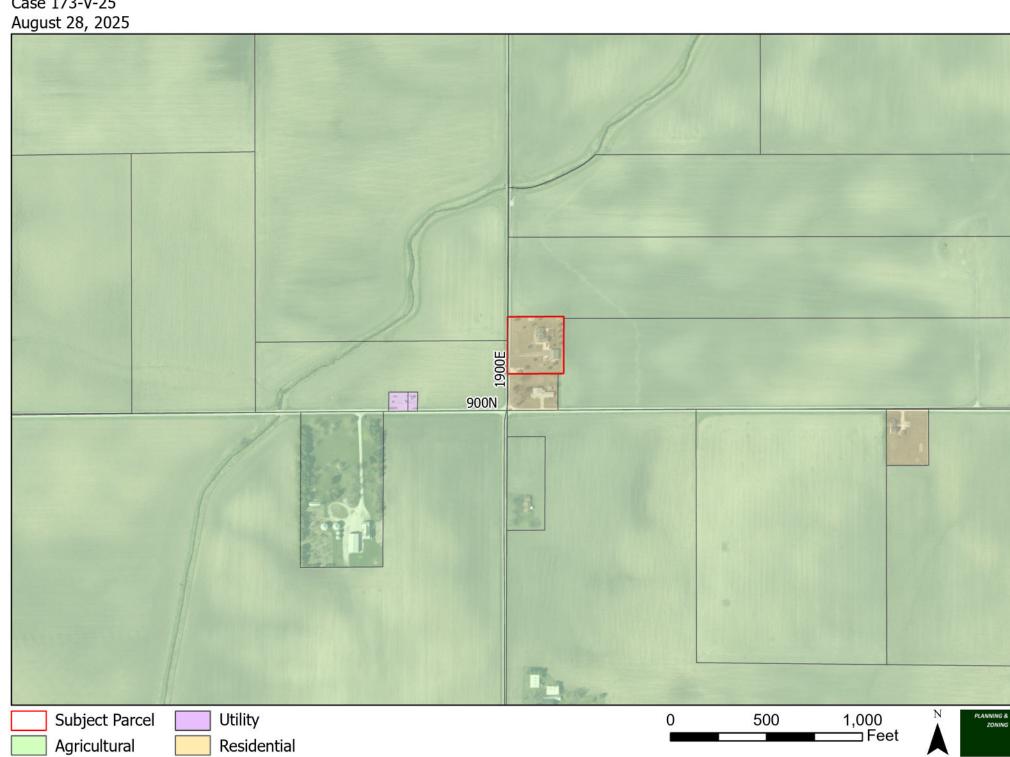
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received July 15, 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 173-V-25 dated August 28, 2025

Location Map



Land Use Map Case 173-V-25



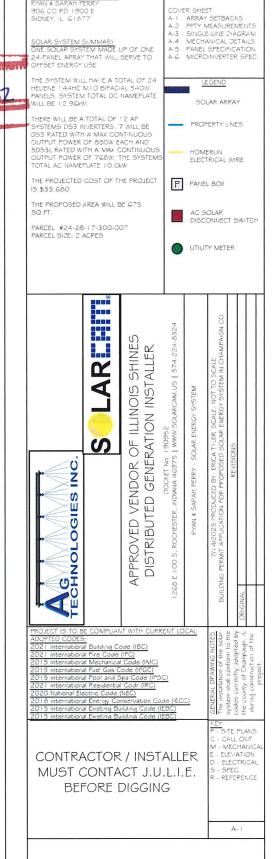
Zoning Map Case 173-V-25 August 28, 2025 1900E 900N

Subject Parcel 800 Feet 400 AG-1 Agriculture



Champaign County Planning & Zoning Departme 8-10-25

PROJECT NAME & LOCATION RYAN & SARAH PERRY 906 CO RD 1900 E SIDNEY, IL 61877



Annotated Aerial

Case 173-V-25

August 28, 2025



100 ☐ Feet 50



173-V-25 Site Images





From 1900e looking south

August 28, 2025 ZBA 1 173-V-25 Site Images



From 1900E looking north



From 1900E looking toward subject property

August 28, 2025 ZBA 2

173-V-25 Site Images



From 1900E looking northeast toward subject property

August 28, 2025 ZBA 3

PRELIMINARY DRAFT

173-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: Ryan and Sarah Perry

Request: Authorize a variance for the following in the AG-1 Agriculture Zoning

District:

Part A: A variance for an existing barn with setback from the centerline of 1900E of 43 feet in lieu of the minimum required 55 feet and a front yard of 23 feet in lieu of the required 25 feet per Section 7.2.1 of the Champaign County Zoning Ordinance.

Part B: A variance for an existing barn with a side yard of 3 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. Petitioners Ryan and Sarah Perry are the owners of the subject property.
- 2. The subject property is a 2-acre tract in the Southwest Quarter of the Southwest Quarter of Section 17, Township 18 North Range 10 East of the Third Principal Meridian in Sidney Township with an address of 906 County Road 1900E, Sidney.
- 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 Sidney, 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 Sidney 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.
 - C. There is one residence to the south of the subject property, the remaining surrounding land 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 15, 2025, as part of Zoning Use Permit 197-25-02 indicates the following:
 - (1) Existing structures consist of the following:
 - a. Single-family residence.
 - b. 42x48 ft. storage shed.
 - c. 10x25 ft. barn
 - (2) The petitioner proposes to construct a 473 sq. ft. solar array.
 - B. The existing house and detached storage she on the property were authorized by Zoning Use Permit 142-06-03 approved in 2006.
 - C. The barn was constructed in 2018.
 - D. 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
- E. Zoning Use Permit 197-25-02 was approved August 6, 2025, to construct a ground mounted solar array 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) Part A: Authorize an existing barn with setback from the centerline of 1900E of 43 feet in lieu of the minimum required 55 feet and a front yard of 23 feet in lieu of the required 25 feet per Section 7.2.1 of the Champaign County Zoning Ordinance.
 - (2) Part B: A variance for an existing barn with a side yard of 3 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, 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.
 - (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) SETBACK LINE" is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
 - (7) "STREET" is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A

STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:

- (a) MAJOR STREET: Federal or State highways.
- (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
- (c) MINOR STREET: Township roads and other local roads
- (8) "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.
- (9) "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.
- (10) "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.
- (11) "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-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 SIDE 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. Buildings used for agriculture are generally exempt from the requirements of the Zoning Ordinance except for the setback requirements from public roads.
- F. Part B of the proposed variance has been included in the event that the barn ceases to be used for agricultural purposes any time in the future it will still conform to the requirements of the Zoning Ordinance by having an approved Variance.

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, "The barn was established in 2018, we purchased the land in 2022, the barn nor lot is a corner lot so the barn does not obstruct traffic."
 - B. The barn was constructed by a previous owner.
 - C. Agricultural buildings are exempt from the regulations of the Zoning Ordinance and do not require a Zoning Use Permit, but they are required to conform to the setback regulations.
 - D. Part B of the proposed variance has been included in the event that the barn ceases to be used for agricultural purposes any time in the future it will still conform to the requirements of the Zoning Ordinance by having an approved Variance.

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, "The barn was established in 2018 and was in place when we purchased the property in 2022. Could not move barn to establish proper setbacks"

B. Without the approval of the proposed variance, the petitioner would have to move or remove the barn.

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, everything was on the property when we purchased the land."
 - B. The existing barn was constructed prior to the petitioners' purchase of the property in 2022.

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 variance would put all out buildings to correct status and will make all paperwork correct and up to date with the ZBA and County."
 - B. Regarding variance Part A for an existing barn with a setback from the centerline of a MINOR STREET of 43 feet in lieu of 55 feet: the requested variance is 78% of the minimum required, for a variance of 22%.
 - C. Regarding variance Part A for an existing barn with a front yard of 23 feet in lieu of 25 feet: the requested variance is 92% of the minimum required, for a variance of 8%.
 - D. Regarding variance Part B for an existing barn with a side yard of 3 feet in lieu of 10 feet: the requested variance is 30% of the minimum required, for a variance of 70%.
 - E. Regarding the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements and front yard requirements. Presumably the setback from street centerline and front yard minimum is intended to ensure the following:
 - (1) Adequate separation from roads.
 - (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. There are no known plans to expand 1900E.
 - (3) Parking, where applicable.
 - F. The Zoning Ordinance does not clearly state the considerations that underlay the side yard requirements. In general, the side yard is presumably intended to ensure the following:
 - (1) Adequate light and air: the nearest structure on the adjacent property is over 90 ft. away.

- (2) Separation of structures to prevent conflagration: The subject property is within the Sidney Fire Protection District. The station is approximately 8 road miles from the subject 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: "The variance will not obstruct any view for traffic nor obstruct the neighbors view because the barn is behind an 8 ft. privacy fence"
 - B. The Sidney Township Supervisor has been notified of this variance, and no comments have been received.
 - C. The Sidney Township Road Commissioner has been notified of this variance, and no comments have been received.
 - D. The Sidney 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. The nearest structures on adjacent property are 96 ft away.

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: "Since this barn was existing, I have no way of relocating the barn. This variance will also make all paperwork with the County up to date even though we did not add the structures or change the structures."

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 16, 2025, with attachment:
 - A Site Plan received July 15, 2025 as part of ZUPA 197-25-02
- 2. Preliminary Memorandum dated September 18, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received July 15, 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 173-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 173-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 petitioners purchased the property with the barn in its current location.
 - b. The petitioners were unaware of the Zoning Ordinance requirements when they purchased the property in 2022.
 - c. Regarding variance part B, the barn is currently used for agriculture and agricultural buildings are only required to meet the required setback from the road.
- 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 re-locate or remove the barn.
- 3. The special conditions, circumstances, hardships, or practical difficulties {DO/DO NOT} result from actions of the applicant because:
 - a. The barn was constructed as an agriculture building without the need for a permit in 2018 by the previous owner.
 - b. The petitioners purchased the property in 2022.
- 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. Regarding variance part A, there are no known plans to expand 1900N.
 - b. Regarding variance part B, the nearest structure on adjacent property is over 90 ft. away.
- 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. The barn should not cause any visibility problems along 1900E and the nearest structure on adjacent property is over 90 ft. away.
- 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 173-V-25 is hereby {GRANTED / GRANTED WITH CONDITIONS / DENIED} to the petitioners, Ryan and Sarah Perry, to authorize the following variance in the AG-1 Agriculture Zoning District:

Part A: A variance for an existing barn with setback from the centerline of 1900E of 43 feet in lieu of the minimum required 55 feet and a front yard of 23 feet in lieu of the required 25 feet per Section 7.2.1 of the Champaign County Zoning Ordinance.

Part B: A variance for an existing barn with a side yard of 3 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.

Ryan Elwell, Chair Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

SIGNED:

ATTEST: