

CASE 220-V-26

PRELIMINARY MEMORANDUM
August 20, 2026

Petitioner: Aaron Tuller

Request: Authorize the following variance in the AG-1 Agriculture Zoning District on the subject property described below:

Part A: Authorize a variance for a proposed detached storage building with an average height of 20 feet in lieu of the required 15 feet per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage building with a rear yard of 1 foot in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for an existing corn crib with a rear yard of 4 feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

Location: An existing 0.8-acre lot, in the Northwest Quarter of the East Half of the Northwest Quarter of Section 27, Township 22 North, Range 10 East of the Third Principal Meridian, in Harwood Township with PIN 11-04-27-100-002, commonly known as the property with an address of 2125 CR 3200N Rantoul.

Site Area: 0.8 acre

Time Schedule for Development: As soon as possible

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

BACKGROUND

The petitioner Aaron Tuller owns the subject property that contains an existing single-family dwelling, two detached storage buildings and a corn crib. The petitioner was unaware of the height limit for accessory buildings when he submitted a Zoning Use Permit Application to construct a 60 ft. x 35 ft. storage building with an average height of 20 ft. The petitioner chose to apply for a variance to construct the detached storage building as proposed.

The Zoning Ordinance has two different maximum average heights for detached accessory buildings. Lots with an area of less than one acre can have detached accessory buildings up to 15 feet tall. Those on lots of one acre or more in area can be up to 24 feet tall. The subject property is a non-conforming lot that has an area of 0.8 acres.

Variance Parts B and C were added so the existing, non-conforming storage building and corn crib could be reconstructed in the same location should they be damaged or destroyed.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Harwood Township, which does not have 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 in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITION

- A. **The area of the addition to the residence that was constructed after 2011 without a permit will be included in the already submitted Zoning Use Permit Application for the proposed storage building.**

The special condition stated above is required to ensure the following:

Conformance with the Champaign County Zoning Ordinance.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan showing location of proposed storage building received July 28, 2026
- C 2026 Annotated Aerial Photo showing existing property and location of proposed storage building
- D Site Images taken August 18, 2026
- E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 220-V-26 dated August 27, 2026

Location Map

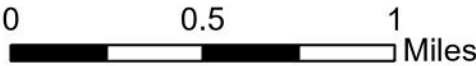
Case 220-V-26

August 27, 2026

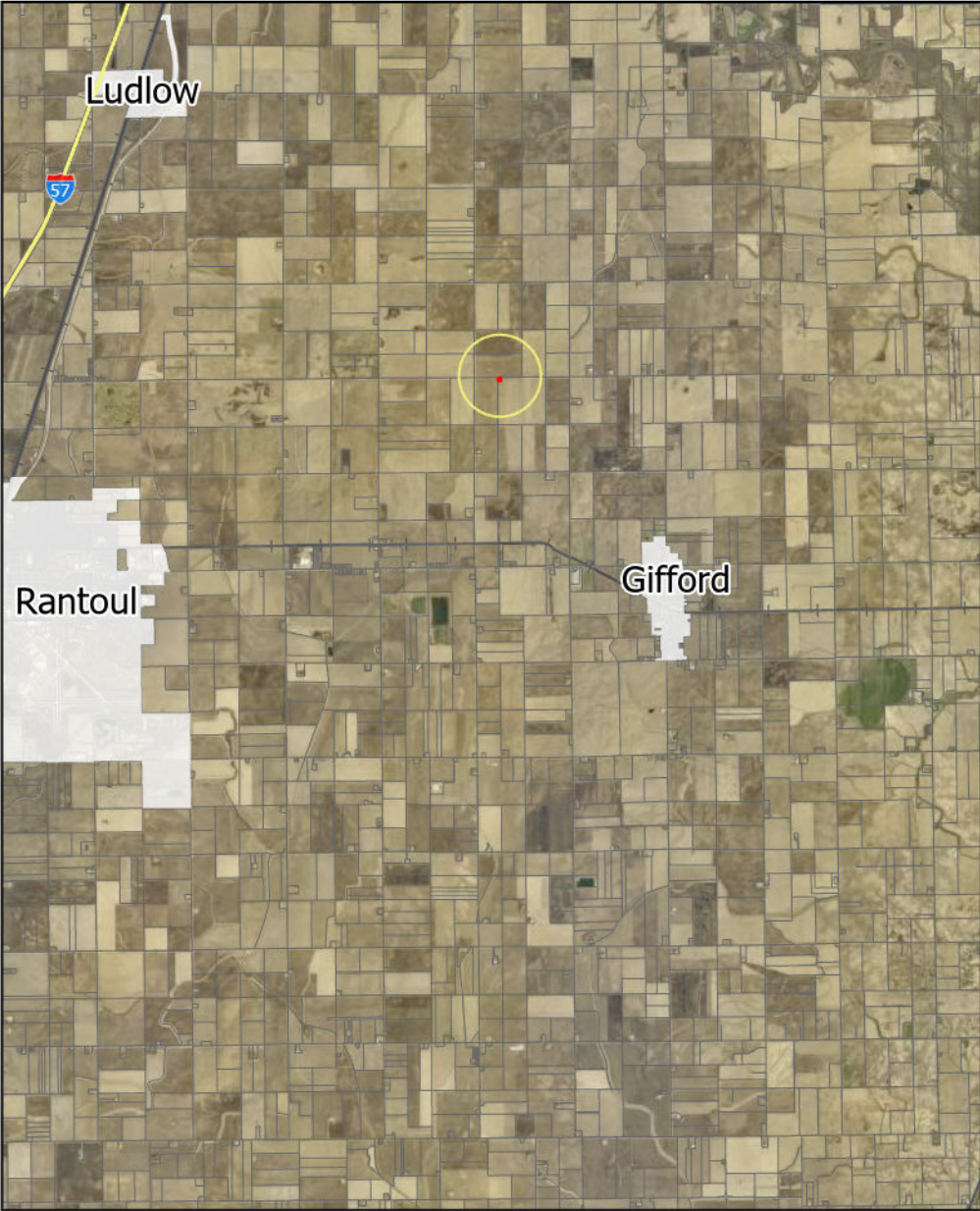
Subject Property



 Subject Property



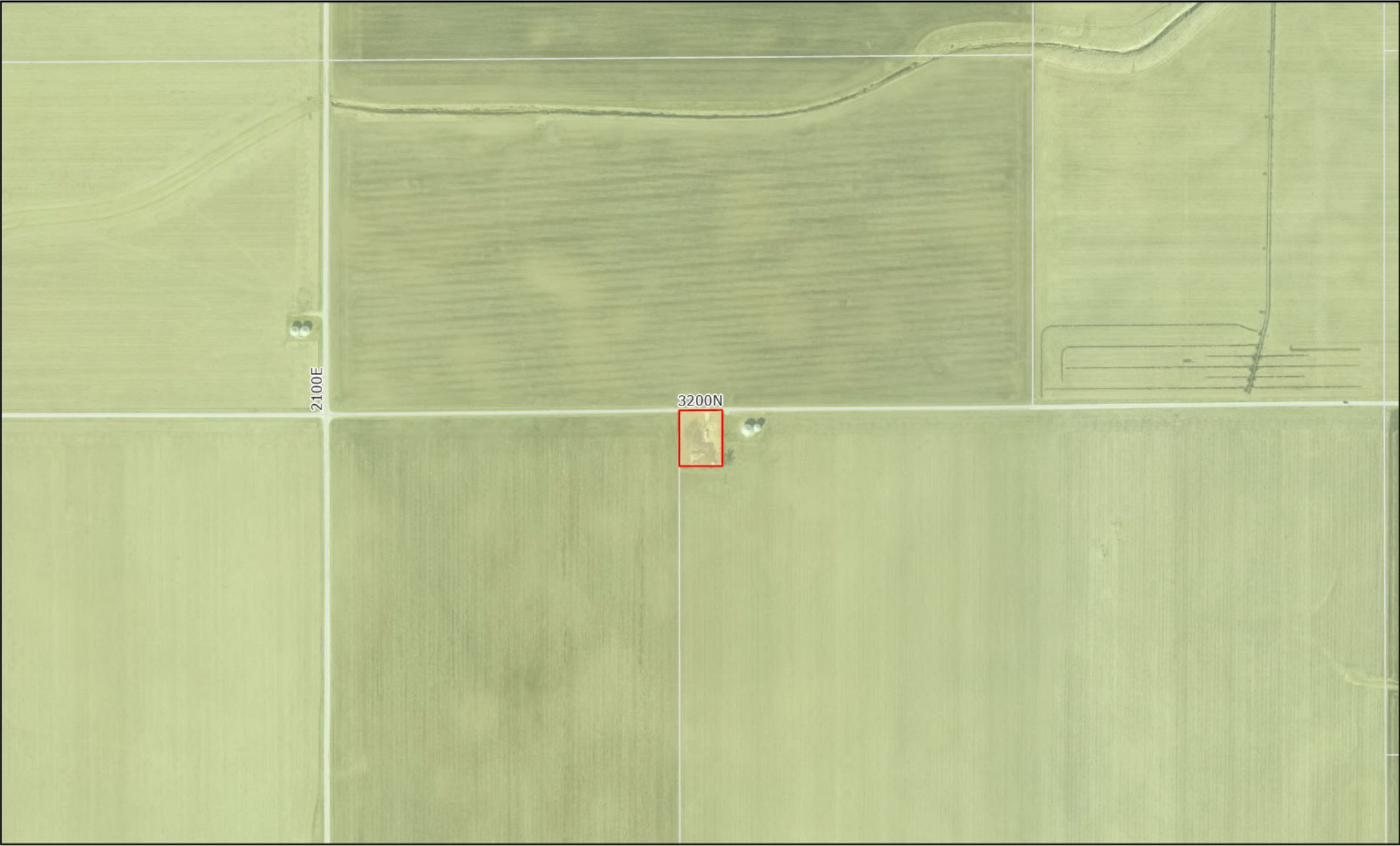
Property location in Champaign County



Land Use Map

Case 220-V-26

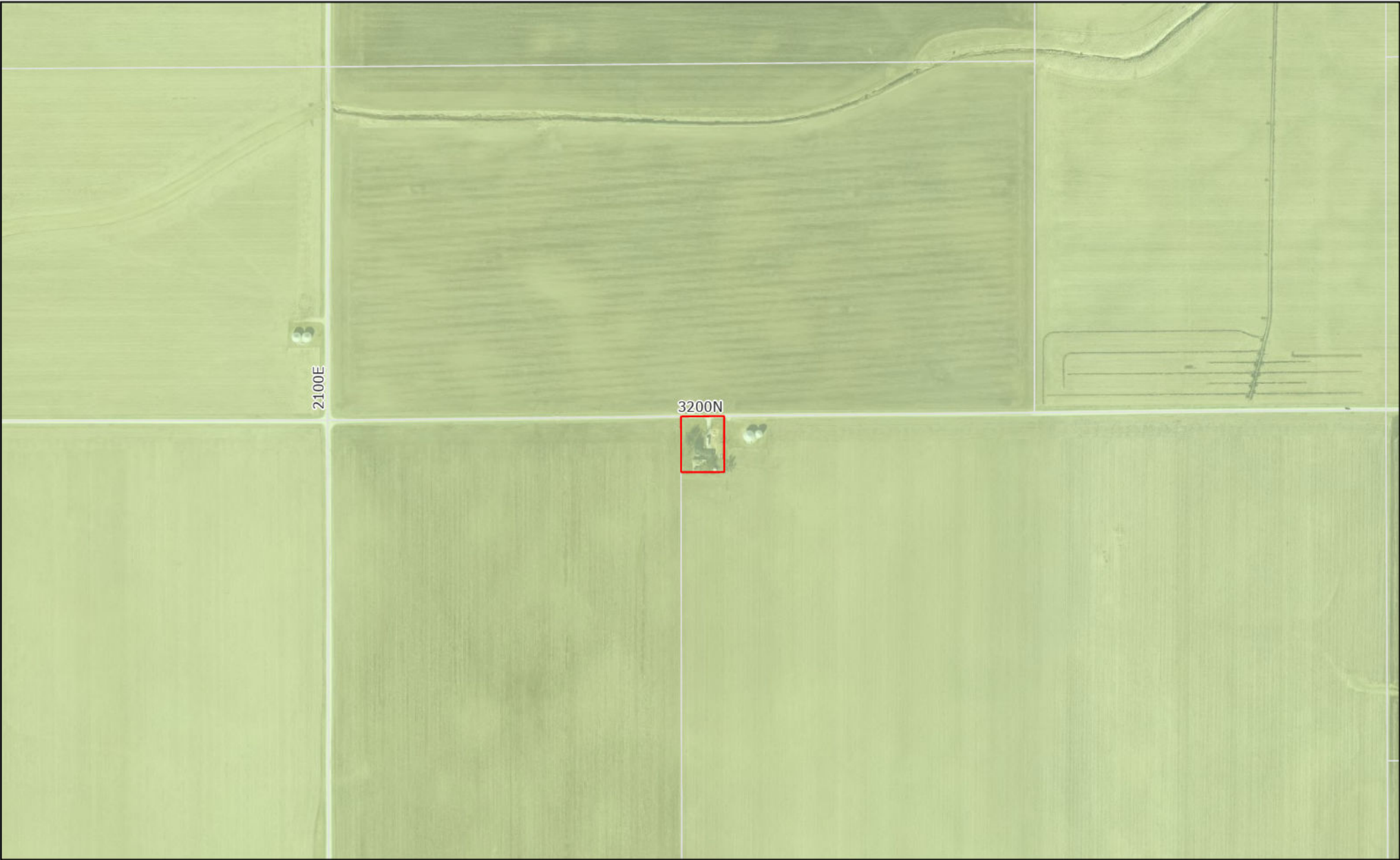
August 27, 2026



 Subject Property  Residential  Agricultural



Zoning Map
Case 220-V-26
August 27, 2026



 Subject Property  AG-1 Agriculture



№ 1

JUL 28 2026

CHAMPAIGN CO. P & Z DEPARTMENT

320.0 N

163.55

21223

100



Tearing
Down

Next Septic
to house
on other side
of driveway

we're
behind
New
Baird

~~700' from front~~
~~200' from back~~



Kucera International Inc., Champaign County GIS Consortium

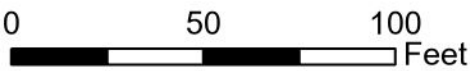


This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGISC member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application 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.

Annotated 2026 Aerial
Case 220-V-26
August 27, 2026



Subject Property Proposed Building with 20' height



220-V-26 Site Images



From CR 3200N looking southwest toward subject property.



From CR 3200N looking south toward subject property.

220-V-26 Site Images



From CR 3200N looking south along west property line.

PRELIMINARY DRAFT

220-V-26

**SUMMARY OF EVIDENCE, FINDING OF FACT
AND FINAL DETERMINATION
of the
Champaign County Zoning Board of Appeals**

Final Determination: ***{GRANTED/GRANTED WITH SPECIAL CONDITION(S)/DENIED}***

Date: ***{August 27, 2026}***

Petitioner: **Aaron Tuller**

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

Part A: Authorize a variance for a proposed detached storage building with an average height of 20 feet in lieu of the required 15 feet per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage building with a rear yard of 1 foot in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for an existing corn crib with a rear yard of 4 feet in lieu of the required 10 feet per Section 7.2.1 of the 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 27, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Aaron Tuller is the owner of the subject property at 2125 CR 3200N Rantoul. The property is an existing 0.8 acre lot, in the Northwest Quarter of the East Half of the Northwest Quarter of Section 27, Township 22 North, Range 10 East of the Third Principal Meridian, in Harwood Township with PIN 11-04-27-100-002, commonly known as the property with an address of 2125 CR 3200N Rantoul.
2. 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 Harwood Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

3. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 0.8-acre subject property is zoned AG-1 Agriculture and is in use as a single-family residence.
 - B. Land to the north, south, west and east is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

4. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan indicates the following:
 - (1) Existing structures on the property include:
 - a. One single family dwelling constructed prior to adoption of the Zoning Ordinance on October 10, 1973 and expanded without a permit after 2011.
 - b. One 14 ft. x 24 ft. storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973, to be demolished.
 - c. One 14 ft. x 22 ft. storage building constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - d. One 170 sq. ft. corn crib constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - B. There have been no previous Zoning Use Permits for the property.
 - (1) A Zoning Use Permit Application was submitted for the proposed detached garage pending approval of this variance, and will have to be amended to include the unpermitted addition to the residence.
 - C. There are no prior Zoning Cases for the subject property.

- D. The requested variance includes the following:
- (1) Part A: Authorize a variance for a proposed detached storage building with an average height of 20 feet in lieu of the required 15 feet per Section 5.3 of the Zoning Ordinance.
 - (2) Part B: Authorize a variance for an existing detached storage building with a rear yard of 1 foot in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.
 - (3) Part C: Authorize a variance for an existing corn crib with a rear yard of four feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

5. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (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) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
 - (3) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (4) “HEIGHT” as applied to a story is the vertical measurement between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the vertical measurement between the surface of the floor and the ceiling next above it. As applied to a BUILDING is the vertical measurement from GRADE to a point midway between the highest and lowest points of the roof.

As Applied to an Enclosed or Unenclosed STRUCTURE:

STRUCTURE, DETACHED: The vertical measurement from the average level of the surface of the ground immediately surrounding such STRUCTURE to the uppermost portion of such STRUCTURE.

STRUCTURE, ATTACHED: Where such STRUCTURE is attached to another STRUCTURE and is in direct contact with the surface of the ground, the vertical measurement from the average level of the surface of the ground immediately adjoining such STRUCTURE to the uppermost portion of such STRUCTURE shall be the HEIGHT. Where such STRUCTURE is attached to another STRUCTURE and is not in direct contact with the surface of the ground, the vertical measurement

PRELIMINARY DRAFT

from the lowest portion of such STRUCTURE to the uppermost portion shall be the HEIGHT

- (5) "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.
 - (6) "LOT LINES" are the lines bounding a LOT
 - (7) "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.
 - (8) "SPECIAL CONDITION" is a condition for the establishment of a SPECIAL USE.
 - (9) "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 9.1.9C. 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.

- (3) Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance
- D. Regarding the proposed variance:
 - (1) Maximum average HEIGHT for a residential ACCESSORY BUILDING in the R-3 Two Family District is established in Section 5.3, Footnote 4 of the Zoning Ordinance as 15 feet on lots less than one acre in area and 24 feet on lots one acre or more in area.
 - a. Average height for a building is calculated as the vertical measurement from grade to a point midway between the highest and lowest points of the roof, per Section 3.0 of the Zoning Ordinance, under definition of HEIGHT.
 - (2) The minimum REAR YARD for an accessory structure in the AG-1 Agriculture District is established in Section 7.2.1.C. of the Zoning Ordinance as 10 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 6. 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 testified the following on the application: **“Property is 0.8 acre. No other properties or neighbors would be affected.”**
 - B. The proposed shed is intended to store a camper that requires a taller building than is allowed on the property.
 - (1) A lot of 1 or more acres in area can have a detached building with an average height of up to 24 feet in the AG-1 district.
 - C. The existing lot was part of a farmstead that existed on a larger lot in this location prior to the adoption of the Champaign County Zoning Ordinance in 1973.
 - D. A deed creating the subject property was recorded in 1970, which divided off the subject property from the surrounding farmland.
 - E. The property lines were created to keep the existing improvements including the driveway, house, storage buildings, corn crib and trees on the subject property while minimizing any tilled farmland.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

- 7. 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 testified the following on the application: **“Tearing down an old building in disrepair and just need more storage.”**

- B. Regarding Part A of the proposed variance: the petitioner would have to store the camper outdoors or offsite, or purchase additional land from surrounding landowners which would allow for a taller accessory building, but no land is for sale.
- B. Regarding Part B and C of the proposed variance: without the proposed variance, the existing storage building and corn crib could not be rebuilt in their current location if they were to be damaged or destroyed.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

- 8. 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 testified the following on the application: **“No.”**
 - B. The Petitioner became aware of the height restriction when he applied for the Zoning Use Permit to construct the garage.
 - C. The lot appears to have been created in 1970 to encompass the existing improvements of the farmstead while minimizing the inclusion of any farmland in production.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 9. 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 Petitioners testified the following on the application: **“Fifty-year-old ordinance. Times have changed, vehicles are bigger and longer now.”**
 - B. Regarding Part A of the proposed Variance for a building exceeding the maximum allowed average height of 15 feet: the requested variance is 133% of the maximum average height allowed, for a variance of 33%.
 - C. Regarding Part B of the proposed Variance for the use of an existing storage building with a rear yard of one foot from the rear lot line: the requested setback variance is 10% of the minimum required, for a variance of 90%.
 - D. Regarding Part C of the proposed Variance for the use of an existing corn crib with a rear yard of four feet from the rear lot line: the requested setback variance is 40% of the minimum required, for a variance of 60%.
 - D. Regarding Part A of the proposed Variance: Presumably, the height requirements are to ensure that there are no shadow or visual impediments for adjacent neighbors. The nearest neighboring structure (grain bin) is over 90 feet to the east.
 - C. Regarding Part B and C of the proposed Variance, for accessory structures with a rear yard of 1 foot and 3 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture District: The Zoning Ordinance does not clearly state the considerations that underlie the

side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:

- (1) Adequate light and air: There is adequate separation to adjacent structures.
- (2) Separation of structures to prevent conflagration: The subject property is within the Gifford Fire Protection District, and the station is approximately 3.6 road miles from the subject property. The nearest structure on adjacent property is approximately 150 feet east of the corn crib.
- (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

D. The requested variance is not prohibited by the *Zoning Ordinance*.

GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE

10. 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 Petitioners testified the following on the application: **“No where near any roads to obstruct vision of drivers. No neighbors for one mile in any direction.”**
 - B. The Petitioner is the Harwood Township Road Commissioner.
 - C. The Gifford Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

11. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioners testified the following on the application: **“Already applied for and paid for a building permit.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
 - A. **The area of the addition to the residence that was constructed after 2011 without a permit will be included in the already submitted Zoning Use Permit Application for the proposed storage building.**

The special condition stated above is required to ensure the following:
Conformance with the Champaign County Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Variance received July 30, 2026, with attachments:
 - A Copy of Zoning Use Permit 209-26-01 with Site Plan showing location of proposed storage building received July 28, 2026

2. Preliminary Memorandum dated August 20, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan showing location of proposed storage building received July 28, 2026
 - C 2026 Annotated Aerial Photo showing existing property and location of proposed storage building
 - D Site Images taken August 18, 2026
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 220-V-26 dated August 27, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **220-V-26** held on **August 27, 2026**, 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 proposed shed is intended to store a camper that requires a taller building than is allowed on the property.***
 - b. ***The property lines were created to keep the existing improvements including the driveway, house, storage buildings, corn crib and trees on the subject property while minimizing the loss of any tilled farmland.***
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. ***Regarding variance Part A: without the proposed variance, the petitioner would have to store the camper outdoors or offsite or purchase additional land from surrounding landowners which would allow for a taller accessory building, but no land is for sale.***
 - b. ***Regarding variance Part B and Part C: without the proposed variance the existing storage building and corn crib could not be rebuilt in their current location if they were to be damaged or destroyed.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The Petitioner only became aware of the height restriction when he applied for the Zoning Use Permit to construct the garage.***
 - b. ***The lot lines were created to encompass the existing improvements of the farmstead while minimizing the inclusion of any farmland in production.***
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***Regarding variance Part A: a taller building will not cause issues for neighboring properties.***
 - b. ***Regarding variance Part B and Part C: there is sufficient separation to structures on neighboring properties.***
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***Relevant jurisdictions and neighboring landowners have been notified of this case, and no comments have been received.***
6. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. ***The requested variance is the minimum variance required to construct the proposed storage building and to keep the existing improvements on the subject property and minimize the amount of farmland taken out of production.***

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **The area of the addition to the residence that was constructed after 2011 without a permit will be included in the already submitted Zoning Use Permit Application for the proposed storage building.**

The special condition stated above is required to ensure the following:

Conformance with the Champaign County Zoning Ordinance.

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 **220-V-26** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioner, **Aaron Tuller**, to authorize the following variance:

Part A: Authorize a variance for a proposed detached storage building with an average height of 20 feet in lieu of the required 15 feet per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage building with a rear yard of one foot in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for an existing corn crib with a rear yard of 4 feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **The area of the addition to the residence that was constructed after 2011 without a permit will be included in the already submitted Zoning Use Permit Application for the proposed storage building.**

The special condition stated above is required to ensure the following:
Conformance with the Champaign County Zoning Ordinance.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date