

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS NOTICE OF REGULAR MEETING

Date: **January 29, 2015**
Time: **6:30 P.M.**
Place: **Lyle Shields Meeting Room
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802**

**Note: NO ENTRANCE TO BUILDING
FROM WASHINGTON STREET PARKING
LOT AFTER 4:30 PM.
Use Northeast parking lot via Lierman Ave.
and enter building through Northeast
door.**

*If you require special accommodations please notify the Department of Planning & Zoning at
(217) 384-3708*

EVERYONE MUST SIGN THE ATTENDANCE SHEET – ANYONE GIVING TESTIMONY MUST SIGN THE WITNESS FORM

AGENDA

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Correspondence
4. Approval of Minutes
5. Continued Public Hearings

**Note: The full ZBA packet is now available
on-line at: www.co.champaign.il.us.**

Case 769-AT-13

Petitioner:
Request:

Zoning Administrator

Amend the Champaign County Zoning Ordinance by amending the Champaign County Storm Water Management Policy by changing the name to Storm Water Management and Erosion Control Ordinance and amending the reference in Zoning Ordinance Section 4.3.10; and amend the Storm Water Management and Erosion Control Ordinance as described in the legal advertisement which can be summarized as follows:

- I. Revise existing Section 1 by adding a reference to 55 ILCS 5/5-15015 that authorizes the County Board to have authority to prevent pollution of any stream or body of water. (Part A of the legal advertisement)**
- II. Revise existing Section 2 by merging with existing Sections 3.1 and 3.2 to be new Section 2 and add purpose statements related to preventing soil erosion and preventing water pollution and fulfilling the applicable requirements of the National Pollutant Discharge System (NPDES) Phase II Storm Water Permit. (Part B of the legal advertisement)**
- III. Add new Section 3 titled Definitions to include definitions related to fulfilling the applicable requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water Permit. (Part C of the legal advertisement)**
- IV. Revise existing Sections 3.3, 3.4, and 4 and add new Sections 5, 11, 12, 13, 14, and 15 and add new Appendices C, D, and E. Add requirements for Land Disturbance activities including a requirement for a Land Disturbance Erosion Control Permit including Minor and Major classes of Permits that are required within the Champaign County MS4 Jurisdictional Area; add a requirement that land disturbance of one acre or more in a common plan of development must comply with the Illinois Environmental Protection Agency's ILR 10 Permit requirements; add fees and time limits for each class of Permit; add requirements for administration and enforcement Permits; and add new Appendices with new standards and requirements for both Minor and Major Permits. (Parts D, E, L, M, N, O, T, U, and V of the legal advertisement)**

CHAMPAIGN COUNTY ZONING BOARD OF APPEALS
NOTICE OF REGULAR MEETING
JANUARY 29, 2015

- V. **Revise existing Section 7 to be new Section 6 and add a prohibition against erosion or sedimentation onto adjacent properties and add minimum erosion and water quality requirements that are required for all construction or land disturbance.**
- VI. **Revise existing Section 5 to be new Section 8 and add a Preferred Hierarchy of Best Management Practices. (Part H of the legal advertisement)**
- VII. **Revise and reformat existing Section 6, 8, 9, 10, 11, 12, and the Appendices and add new Section 18. (Parts G, I, J, P, Q, R, S and W of the legal advertisement)**

Case 773-AT-14 Petitioner: **Zoning Administrator**
Request: **Amend the Champaign County Storm Water Management and Erosion Control Ordinance that is the subject Zoning Case 769-AT-13, by adding the following:**

- A. **Add a requirement for a Grading and Demolition Permit for any grading or demolition that disturbs one acre or more of land or for any grading or demolition that is part of a larger common plan of development in which one acre or more of land disturbance will occur, and that is not related to any proposed construction.**
- B. **Add fees for Grading and Demolition Permits.**
- C. **Add required information to be provided in the application for a Grading and Demolition Permit.**
- D. **Add a requirement that any grading or demolition pursuant to a Grading or Demolition Permit shall comply with the Illinois Environmental Protection Agency's ILR 10 General Storm Water Permit for Construction.**
- E. **Add a requirement that any demolition pursuant to a Demolition Permit shall comply with the Illinois Environmental Protection Agency's regulations enforcing the National Emission Standard for Hazardous Air Pollutants for regulated asbestos.**
- F. **Add prohibitions against changing the flow of water and blocking the flow of water.**
- G. **Add other requirements related to Grading and Demolition Permits**

6. **New Public Hearings**

*Case 792-V-14 Petitioner: **Robert Frazier**
Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Location: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

7. **Staff Report**

8. **Other Business**

9. **Audience Participation with respect to matters other than cases pending before the Board**

10. **Adjournment**

CASE NO. 792-V-14

PRELIMINARY MEMORANDUM

January 21, 2015

Champaign
County
Department of

**PLANNING &
ZONING**

Petitioner: **Robert Frazier**

Request: **Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:**

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

Subject Property: **Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.**

Site Area: **51,625 square feet (1.19 acres)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

In late June 2014 the Zoning Administrator received multiple complaints from a neighboring business that customers of the subject property (formerly LEX) were parking on his property due to inadequate parking on the subject property. The Champaign Township Highway Commissioner also called the Zoning Administrator about a reported removal of street curb at the subject property without authorization. An inspection by the Zoning Administrator and Zoning Officer found that the petitioner was constructing a roof over a newly constructed porch (raised walkway) without a Zoning Use Permit and that the new covered walkway did not comply with the minimum required 25 feet front yard and the minimum required 55 feet setback from Tiffany Court. The applicant was made aware of the need for the variance for the covered walkway and aware of the complaints about inadequate parking.

Upon submission of the site plan for the Variance case it was determined that a bus garage that had previously been constructed (for the former LEX) without a Zoning Use Permit actually occupied area that had previously been used for parking for Bright Ideas (prior to the establishment of LEX).

The existing self-storage facilities and office space were authorized by ZUPA # 219-86-02 and 166-96-01 for the storage facilities and ZUPA # 351-02-03 for the office space and additional self-storage facilities.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the City of Champaign, a municipality with zoning. Municipalities are not notified of Variance cases and do not have protest rights.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Self-storage and office space	I-1 Light Industry
North	Industrial	I-1 Light Industry
East	Industrial	A-2 Agriculture and B-4 General Business
West	Industrial	I-1 Light Industry
South	Industrial	I-1 Light Industry

UNAUTHORIZED CONSTRUCTION

The Petitioner constructed a five foot by 115 foot covered porch over a sidewalk on the west side of the office building without applying for (or receiving an approved) Zoning Use Permit. The construction reduced the front yard to 20 feet and the setback to 50 feet, each five feet less than the Zoning Ordinance requires. The Petitioner was notified by phone on June 25, 2014 and by letter on June 26, 2014 that further construction on the covered porch was at his own risk until the ZBA approved the necessary variance. A site visit on December 30, 2014 confirmed that the porch construction was completed without the necessary variance.

PARKING CONCERNS

There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement from the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking.

PARKING REQUIREMENTS FOR SELF-STORAGE WAREHOUSES

The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Approved Site Plan for ZUPA # 351-02-03
- C Site Plan received July 17, 2014
- D Annotated Site Plan
- E Images packet dated December 30, 2014
- F Draft Summary of Evidence, Finding of Fact, and Final Determination

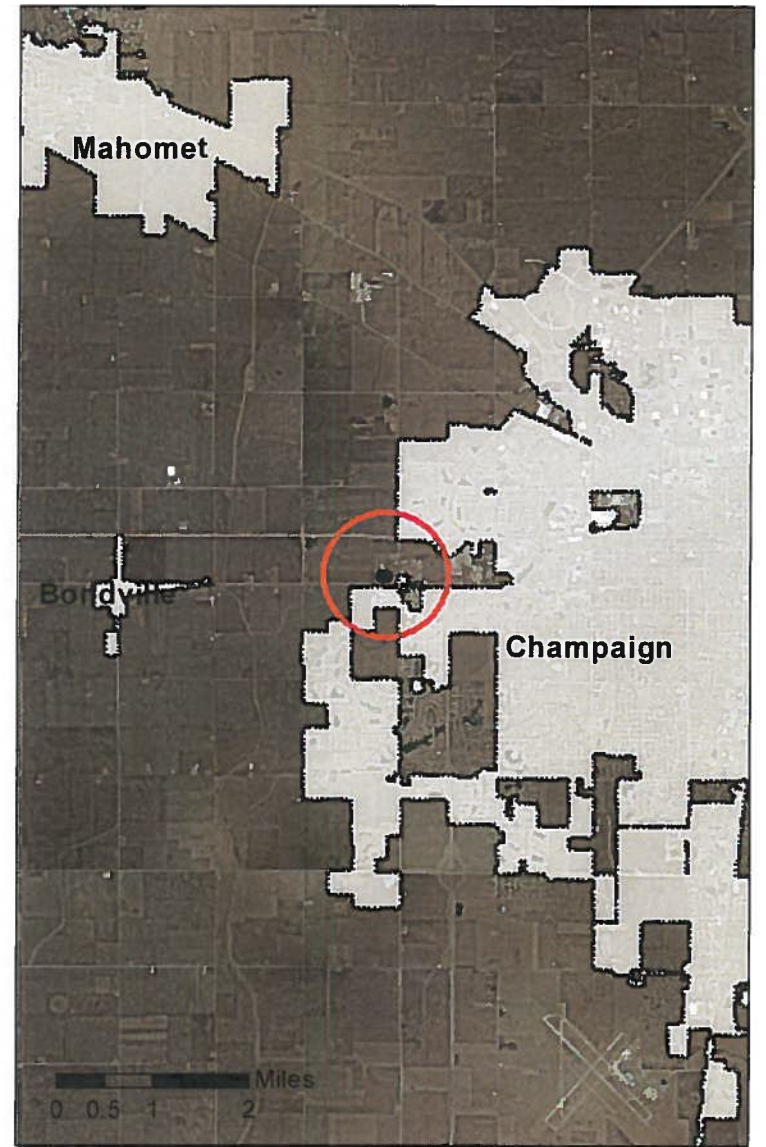
Location Map

Case 792-V-14
January 29, 2015




Subject Property



Location in Champaign County



Legend

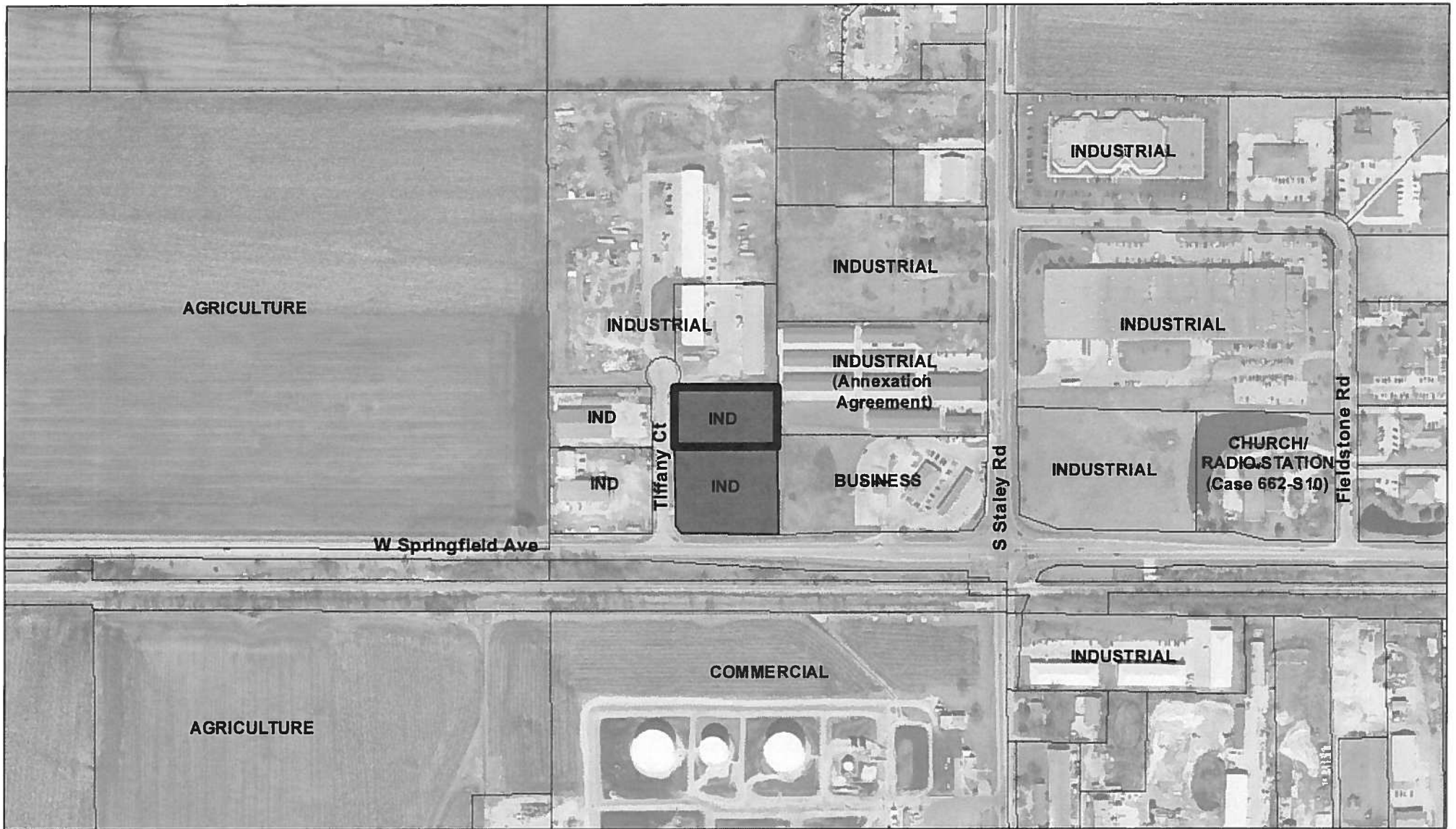
-  Subject Property
-  Formerly the LEX property
-  Municipal Boundary






Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Case 792-V-14
January 29, 2014



Legend

-  Subject Property
-  Formerly the LEX property
-  Parcels

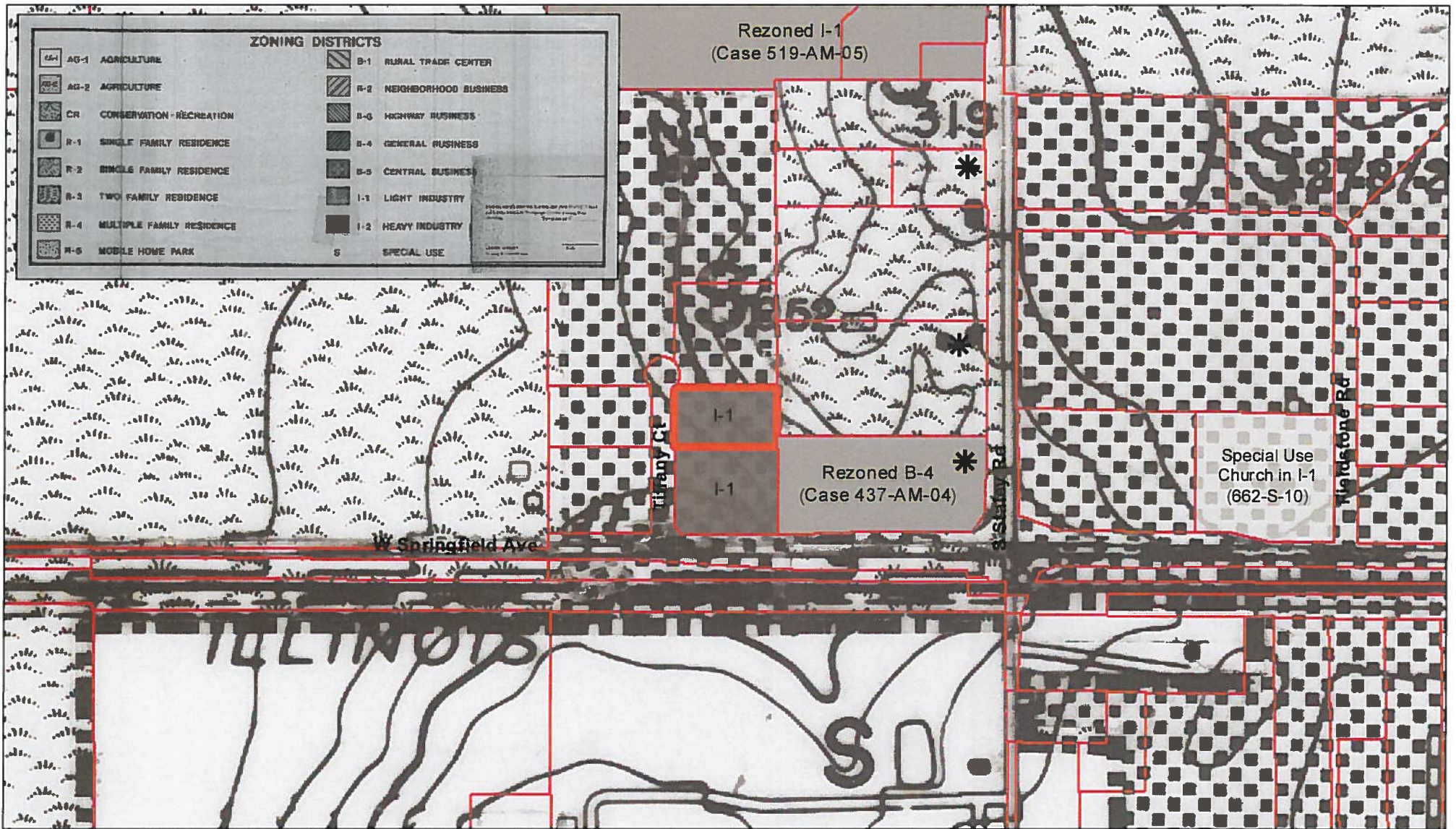
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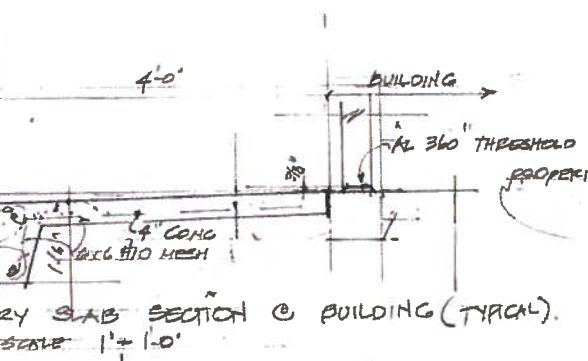
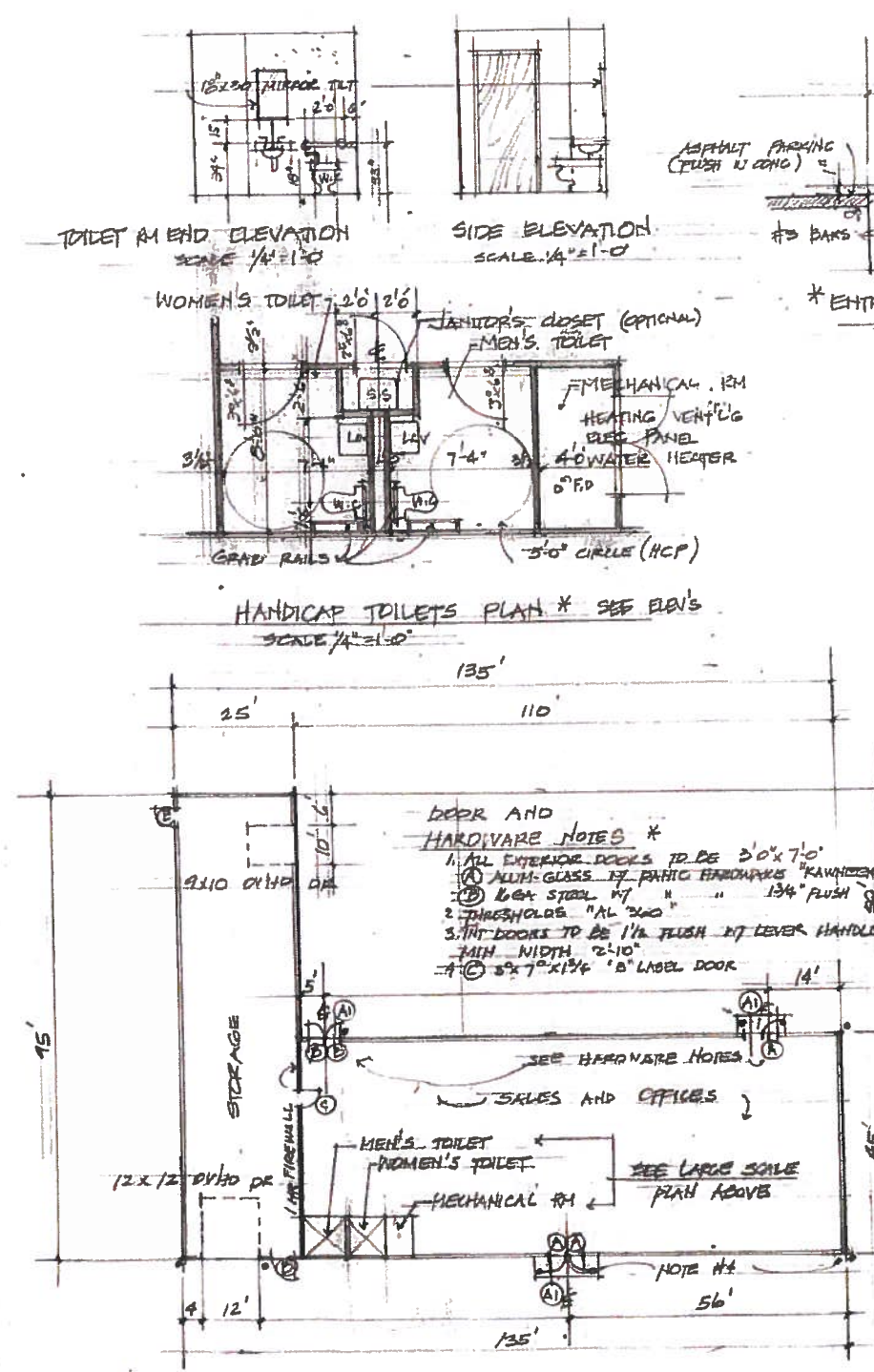


Champaign County
Department of
PLANNING &
ZONING

Zoning Map

Case 792-V-14
January 29, 2014



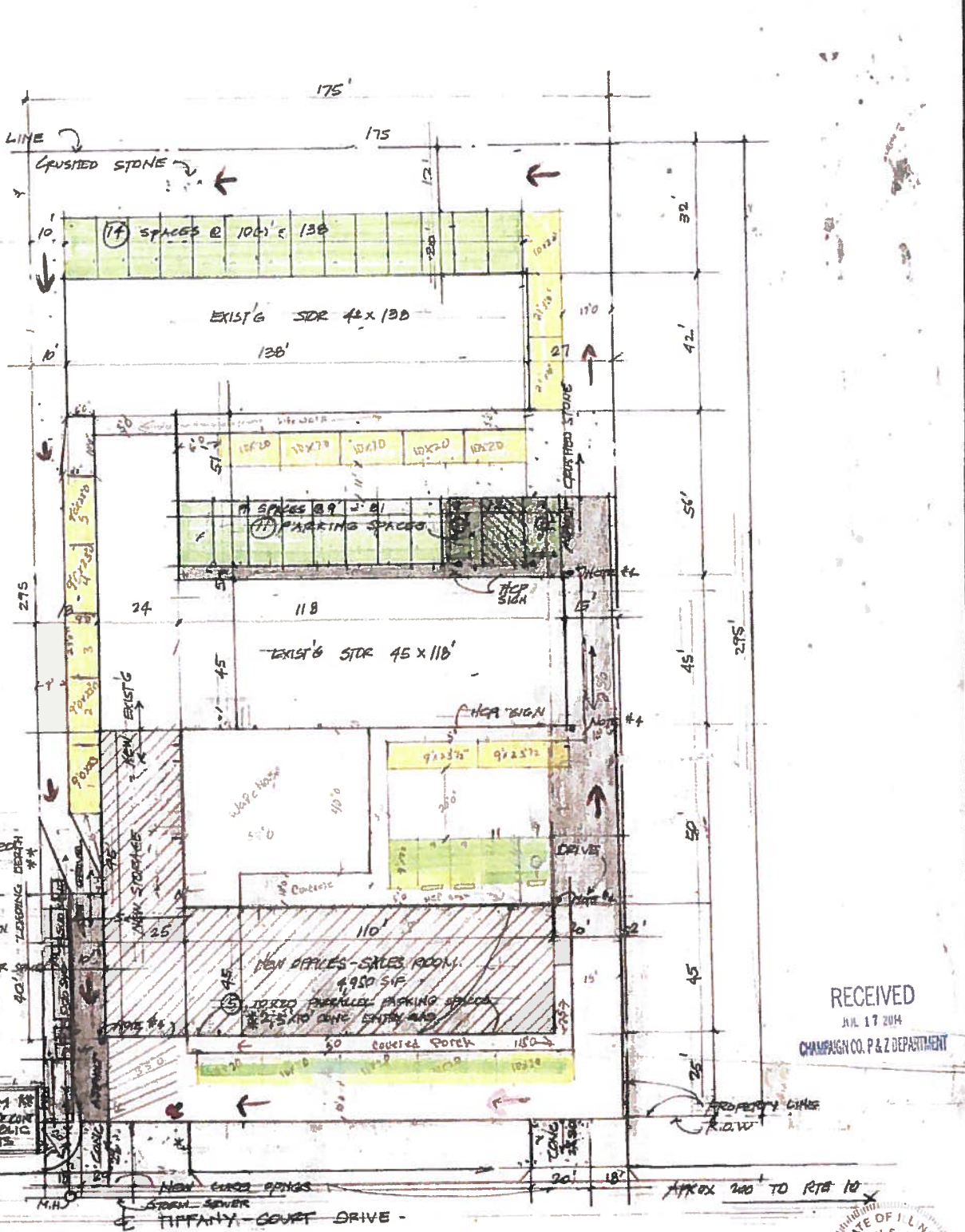


- DEPR AND HARDWARE NOTES ***
1. ALL EXTERIOR DOORS TO BE 30"x7'-0"
 2. ALL GLASS IN PARTIAL HARDWARES "KAWNEER"
 3. THRESHOLDS "AL 3000"
 4. DOOR HANDLES TO BE 1 1/2" PUSH BY LEVER HANDLES MIN WIDTH 2'-10"
 5. 5"x7"x1 1/4" 'B' LABEL DOOR

- HANDICAP NOTES (H)**
1. IN 35% OF RENTAL SPACE IS AVAILABLE TO HCP
 2. IN NO MORE THAN 1" IN 12 SLOPE AT ANY UNIT
 3. IN THRESHOLDS @ AVAILABLE UNITS NOT MORE THAN 1/2"
 4. ALL HCP AVAILABLE UNITS (4) * SHALL HAVE MOTOR ACTUATED OVERHEAD DOORS

- GENERAL NOTES**
1. SITE AREA = 51,625 S.F. 1.2 ACRES APPROX
 2. BLDG AREA (EXIST'G) 12,240 S.F. (65 UNITS) NO HCP
 3. " " NEW 6,660 S.F. = 18,900 TOTAL
 4. PROVIDE 6" x 24" HIGH CONC. FURRED PIPE DOLLARS 1/2" CLEAR
- PARKING REQUIREMENTS** 1/100 STDL SPACES
STORE & OFFICES 1/400 S.F. (45x110) 13 SP. REQ
 5 @ ENTRY SLABS (5'x10' CONC) CONC SURFACE AND ASPHALT SURFACE AT SAME ELEVATION

- KEY TO SYMBOLS**
- GRASS - STONE SURFACE
 - ASPHALT OVER 1" BASE
 - NEW BUILDING AREA
 - PARKING STRIPING
 - PROPERTY LINE
 - * ES - SEWER LINE
 - * L.O. - CLEAN OUT



SITE PLAN * EXIST & NEW STORAGE & PROPOSED STORE AREA
 SCALE 1/8" = 1'-0"
 * DENOTED REVISED 1/4/05

STATEMENT OF COMPLIANCE I, *Joseph F. Coble* STATE THAT THIS SITE PLAN AND SCHEMATIC FLOOR PLAN IS IN COMPLIANCE WITH LOCAL ORDINANCES. SEPTIC SYSTEM NOT INCLUDED.

<p>* NEW SALES AREA AND FMT STORAGE ADDITION PER "BRIGHT IDEAS" 404 W. SPRINGFIELD AV. CHAMPAIGN, ILL 61820</p>	<p>DATE: 12/16/02 REV 1/4/03 REV 1/15/05</p>	<p>Coble Architectural Joseph F. Coble, architect Steven Stoerger, const mgr 404 W. Clark Champaign, IL 61820 (217)-352-8600 (217)-359-5456</p>	<p>SHEET NO 1 OF 1</p>
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RECEIVED
 JUL 17 2004
 CHAMPAIGN CO. P & Z DEPARTMENT

STATE OF ILL. N.S.
 JOSEPH F. COBLE
 01-4964
 CHAMPAIGN, ILL.
 LICENSED ARCHITECT

792-V-14 Frazier Images

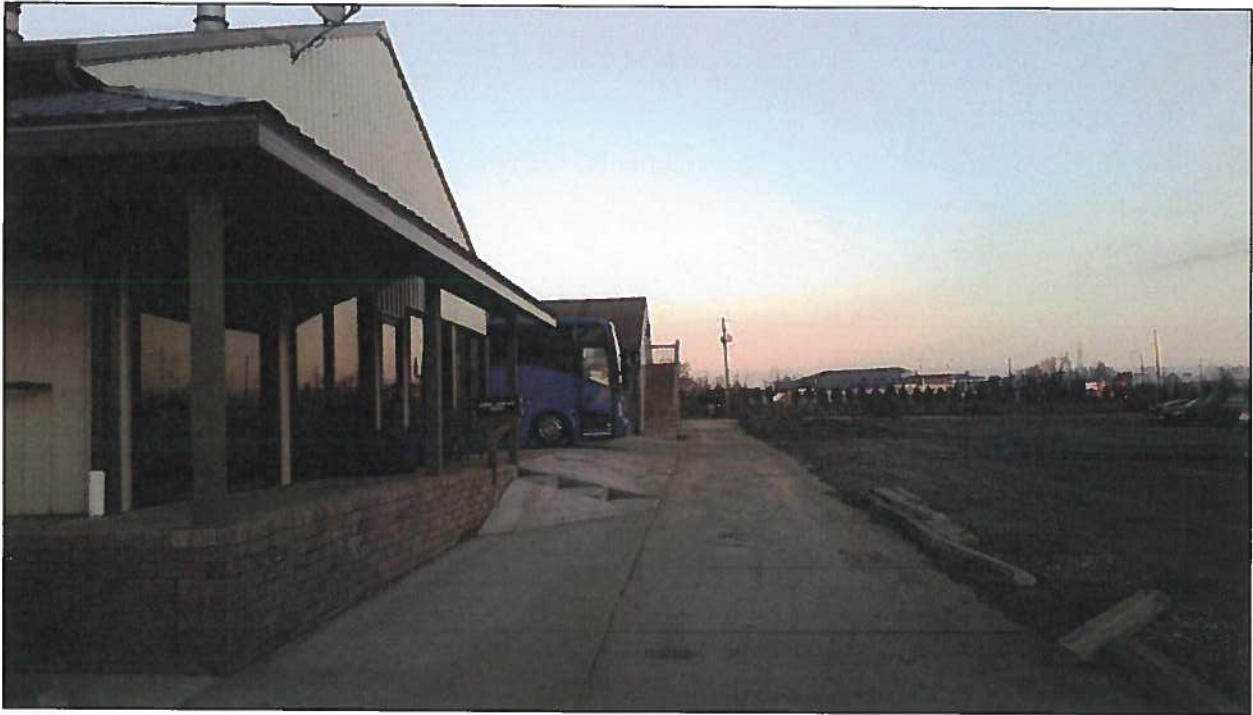


Subject property from Tiffany Court facing northeast



Entrance from Tiffany Court facing east

792-V-14 Frazier Images



Entrance driveway facing east, sales office is on left

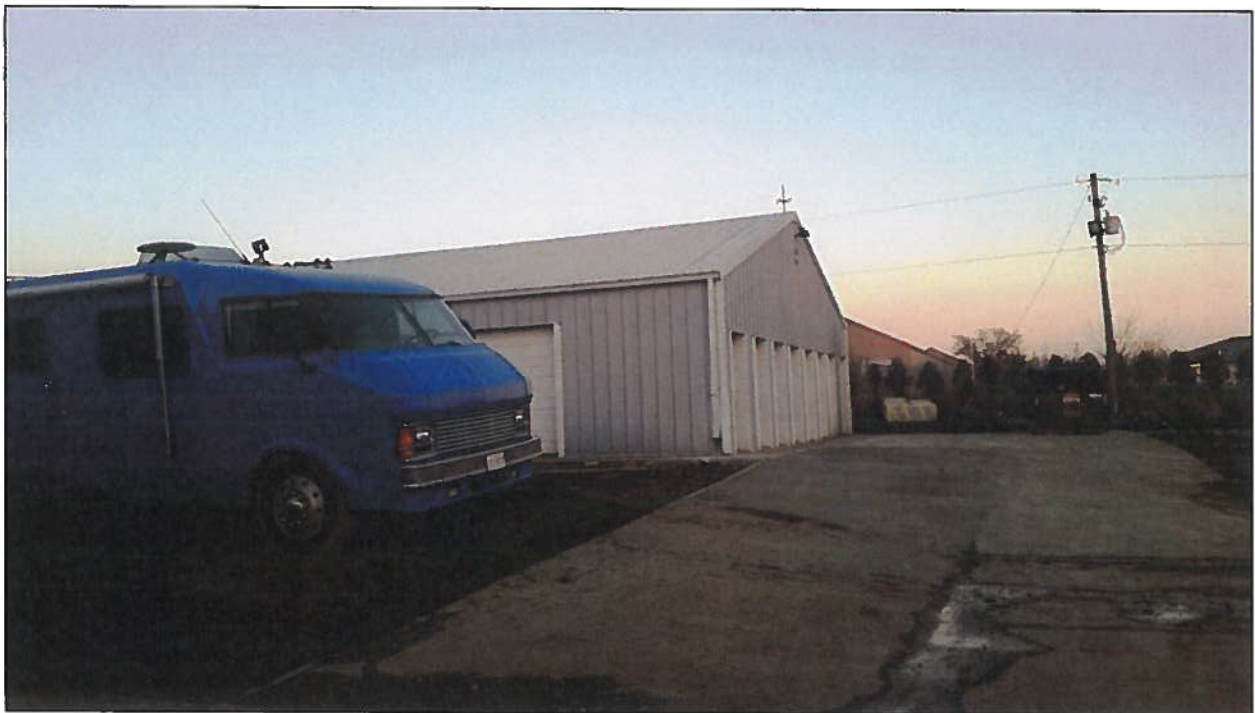


Bus maintenance area to east of sales office, facing north from driveway

792-V-14 Frazier Images



Center storage area to east of bus maintenance area, facing north from driveway



Center storage area, facing northeast from driveway

792-V-14 Frazier Images

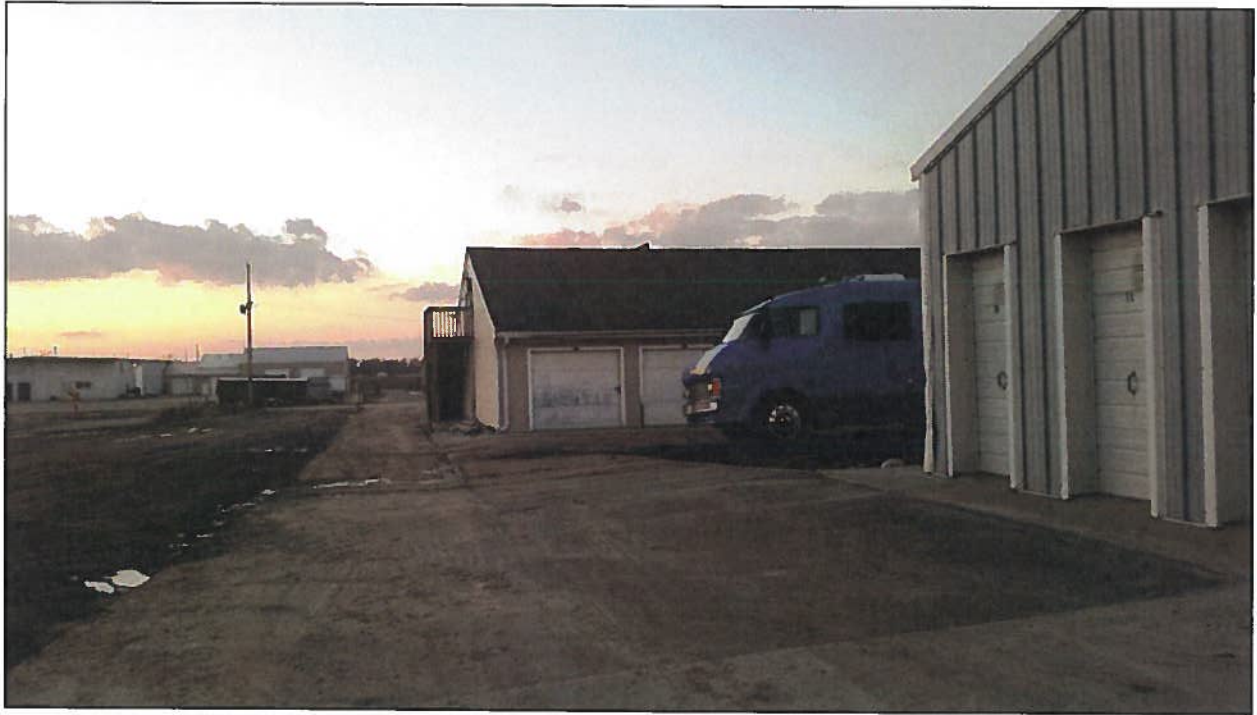


Center storage area, facing north from driveway



East side of storage area facing north from driveway

792-V-14 Frazier Images

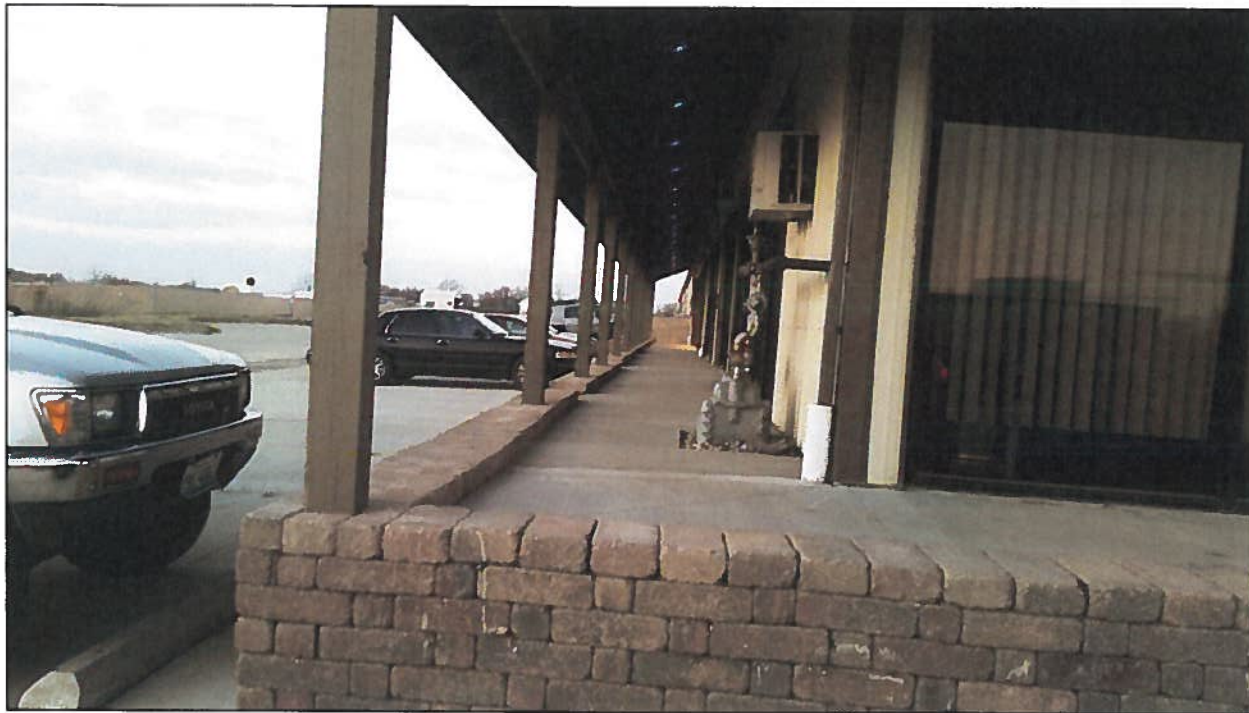


Center storage area, facing west from east end of driveway



Sales office from driveway in front of bus maintenance area, facing northwest

792-V-14 Frazier Images



Sales office from west entrance, facing north



Offices on west end of property, from Tiffany Ct facing southeast

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**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: ***{date of final determination}***

Petitioner: Robert Frazier

Request: Authorize the following Variance from the Champaign County Zoning Ordinance in the I-1 Light Industry Zoning District on the subject property described below:

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 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 **January 29, 2015**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner, Robert Frazier, owns the subject property.
2. The subject property is a 1.19 acre tract of land on Lot 4 of the Stahly Subdivision in the Southeast Quarter of Section 8 of Champaign Township and commonly known as the former LEX building located at 310 Tiffany Court, Champaign.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Champaign, a municipality with zoning.
 - B. The subject property is located within Champaign Township, which does not have a Planning Commission.

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 a 1.19 acre tract and is currently zoned I-1 Light Industry. Land use is a combination of storage facilities and multi-tenant offices.
 - B. Land to the south and west of the subject property is zoned I-1 Light Industry and is industrial in use.
 - C. Land to the north is zoned I-1 Light Industry and is industrial in use.
 - D. Land to the east is zoned AG-2 Agriculture and B-4 General Business and is commercial in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. Previous Zoning Use Permits on the subject property are as follows:
 - (1) Zoning Use Permit # 219-86-02 issued on 8/7/86 authorized construction of mini warehouse facilities.
 - (2) Zoning Use Permit # 166-96-01 issued on 6/17/96 authorized construction of an addition to an existing mini-warehouse building.
 - (3) Zoning Use Permit # 280-99-01 issued on 10/8/99 authorized placement of a wall sign on an existing building.

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- (4) Zoning Use Permit # 351-02-03 issued on 1/10/03 authorized construction of an office/sales area for Bright Ideas and warehouse addition to an existing mini-warehouse building.
 - (5) A Zoning Use Permit Application to authorize the construction of a bus garage, installation of new signs, and installation of new fuel tanks and fuel dispensing equipment for the LEX Lincolnland Express operations on the subject property and the adjacent lot to the south (a total area of approximately 73,300 square feet) was received on March 23, 2011. The Zoning Administrator replied with a letter dated 4/14/11 in which continued operation of LEX was allowed but additional information was required prior to issuance of a conditional Zoning Compliance Certificate. No additional information was received and LEX Lincolnland Express eventually went out of business by March 2013. A subsequent company, Illini Express, also closed in the summer of 2013.
- B. The Petitioner, without required Zoning Use Permits, has made the following changes to the property, as indicated in a letter from John Hall, Zoning Director, to the Petitioner dated June 26, 2014:
- (1) Modifying the existing office area that was formerly the offices of LEX by subdividing the interior space into at least four different spaces with their own exterior entrances; renting the new office spaces to various uses including a photographer, a musician, a painter, and a gymnasium (including converting storage area into the gymnasium);
 - (2) Adding a wrap-around covered porch to provide covering for the exterior entrances;
 - (3) Removing a portion of a bus maintenance garage.
 - (4) These changes are in addition to the change in lot area due to the fact that the adjacent lot (PIN 03-20-08-476-005) is no longer part of the property.
 - (5) It has also been reported that the Petitioner removed the curb along Tiffany Court without prior authorization from the Champaign Township Highway Commissioner.
- C. The Petitioner's Site Plan, received July 17, 2014, is a partial modification of the site (and building) plan from Zoning Use Permit #351-02-03 and therefore it does not accurately reflect the new uses on the subject property. An Annotated Site Plan has been prepared by staff to highlight relevant evidence and discrepancies on the Site Plan received July 17, 2014. The Annotated Site Plan indicates the following:
- (1) Regarding the building on the subject property:

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- (a) The building addition authorized in Zoning Use Permit #351-02-03 on 1/10/03 is indicated with hatching (diagonal lines) and labeled “NEW OFFICES- SALES ROOM” (totaling 4,950 square feet in area) that is still used as offices and “NEW STORAGE” (totaling 2,375 square feet in area) that has been converted to a gymnasium.
 - (b) Note that a covered porch that is five feet deep has been added to the west and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The addition of this covered porch was not authorized by Zoning Use Permit.
 - (c) A portion of the building indicated as “warehouse” is attached to the east and south sides of the building addition authorized in Zoning Use Permit #351-02-03. The “warehouse” is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” is 2,664 square feet in area. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
 - (d) The middle portion of the building is indicated as “EXIST’G STOR” and was authorized in Zoning Use Permit # 166-96-01 on 6/17/96 and is 45 feet by 118 feet and totals 7,734 square feet in area. The original Zoning Use Permit application indicated 31 self-storage units in this portion of the building.
 - (e) The eastern-most portion of the building was authorized in Zoning Use Permit # 219-86-02 on 8/7/86. This portion is 42 feet by 138 feet and totals 5,796 square feet and reportedly contains 22 self-storage units.
- (2) Regarding parking areas on the subject property:
- (a) The site (and building) plan from Zoning Use Permit #351-02-03 included a total of 40 parking spaces but there are areas where an additional 15 parking spaces could have been located for a total of 55 possible parking spaces.
 - (b) The Site Plan received July 17, 2014, indicates a proposed 15 new parking spaces and 5 relocated parking spaces in addition to 28 existing parking spaces for a total of 48 parking spaces and no additional parking spaces could be located on the subject property.
- D. The structures on the property were constructed after the Zoning Ordinance was adopted by Champaign County on October 10, 1973.
- E. The required variance is as follows:

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- (1) Part A: Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.
- (2) Part B: Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding Parts A and B of 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) “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, animal, and chattels.
- (2) “CANOPY” is a non-retractable roof-like STRUCTURE of either a permanent or non-permanent nature which projects from the wall of a STRUCTURE, is supported above the surface of the ground by poles, posts, columns, beams, girders, or other similar framework attached to the ground, and overhangs or covers the public way or adjacent YARD or COURT.
- (3) “COVERAGE” is the percentage of the LOT AREA covered by the BUILDING AREA.
- (4) “FRONTAGE” is that portion of a LOT abutting a STREET or ALLEY.
- (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 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.
- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “PARKING GARAGE or LOT” is a LOT, COURT, YARD, or portion thereof used for the parking of vehicles containing one or more PARKING SPACES together with means of ACCESS to a public way.

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- (9) "PARKING SPACE" is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
- (10) "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.
- (11) "STRUCTURE" is anything CONSTRUCTED or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, STRUCTURES include BUILDINGS, walls, fences, billboards, and SIGNS.
- (12) "STRUCTURE, MAIN or PRINCIPAL" is the STRUCTURE in or on which is conducted the main or principal USE of the LOT on which it is located.
- (13) "USE" is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted USE" or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (14) "WAREHOUSE" is a BUILDING within which raw materials, goods, or equipment including vehicles, are kept and wherein no manufacturing, assembly, construction, repair, sales or other activity is performed except for the packaging of goods and materials for shipment.
- (15) "WAREHOUSE, SELF-STORAGE" is a BUILDING or BUILDINGS containing multiple, independently accessible spaces where raw materials, goods or equipment, or personal goods including personal vehicles, are kept and wherein no other commercial or industrial activity occurs.
- (16) "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.
- (17) "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 but a STREET RIGHT-OF-WAY both such YARDS shall be classified as front YARDS.

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- B. The I-1, Light Industry DISTRICT is established to provide for storage and manufacturing USES not normally creating a nuisance discernible beyond its PROPERTY lines.
- 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. Paragraph 7.4.1.C.2. requires that the number of PARKING SPACES for commercial establishments shall be the sum of the individual requirements of the various individual establishments computed separately in accordance with this section. Such PARKING SPACES for one such ESTABLISHMENT shall not be considered as providing the number of such PARKING SPACES for any other ESTABLISHMENT.
- E. Paragraph 7.4.1.C.3.b.ii. requires for outdoor areas, including non-permanent STRUCTURES, used for exhibit, educational, entertainment, recreational, or other purpose involving assemblage of patrons, one PARKING SPACE per three patrons based on the estimated number of patrons during peak attendance on a given day during said USE is in operation.
- F. Paragraph 7.4.1.C.3.e. requires ESTABLISHMENTS other than specified above: one such PARKING SPACE for every 200 square feet of floor area or portion thereof.

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- G. Regarding the parking requirements for a self-storage warehouse:
- (1) The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses. Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.
 - (2) However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.
- H. Paragraph 7.4.1.D.1. requires for industrial uses that one space shall be provided for each three employees based upon the maximum number of persons employed during one work period during the day or night, plus one space for each VEHICLE used in the conduct of such USE. A minimum of one additional space shall be designated as a visitor PARKING SPACE.
- I. Minimum FRONT SETBACK in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 55 feet.
- J. Minimum FRONT YARD in the I-1 Light Industry District is established in Section 5.3 of the Zoning Ordinance as 25 feet.

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, **“Original plans do not allow but two 5 foot by 10 foot slabs thus limiting HCP and general accessibility to various entry and exit points. Covered porch protects sidewalk and entry points from environmental elements that could cause them to be hazardous, while improving esthetic view of the neighborhood.”**

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- B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
- (1) There appears to be no additional area on the subject property for more parking spaces. The area surrounding the existing buildings is not adequate to accommodate any significant parking because of the minimum separation requirement from the property line and a parking space. A Variance from the minimum separation could be requested, but it would still not add enough parking.
 - (2) The 2,664 square feet “warehouse” shown in the Site Plan dated July 17, 2014 is a bus garage that was added for the former LEX use and it has never been authorized by Zoning Use Permit. The “warehouse” occupies land area that was previously used for a loading berth and six parking spaces.
- C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:
- (1) The Petitioner, without a Zoning Use Permit, constructed a five foot wide covered porch over a sidewalk on the west side of the existing offices and sales room. Without this covered porch, the front yard would be 25 feet and the setback from the street centerline would be 55 feet, both compliant with the Zoning Ordinance.

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, **“Adhering to strict letter of provision could limit gainful earnings of rental space, by limiting accessibility of patrons of Frazier Properties. Without upgrading and maintaining property could affect property value for entire subdivision.”**
 - B. Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces:
 - (1) Without the proposed Variance, the Petitioner would have to demolish at least 3,000 square feet of existing buildings and/or covered areas to meet the parking requirements.
 - C. Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet:

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(1) Without the proposed Variance, the Petitioner would have to demolish the existing porch to meet the setback and front yard requirements, and that would not provide enough area for the required parking spaces.

D. The Zoning Ordinance does not clearly establish parking requirements for self-storage warehouses.

Parking requirements for “commercial ESTABLISHMENTS” are found in paragraph 7.4.1.C. of the Ordinance. Self-storage warehouse is not listed in subparagraph 7.4.1.C.3. and therefore a self-storage warehouse could be considered as an “ESTABLISHMENTS other than specified above” in subparagraph 7.4.1.C.3.e., in which case the requirement is one parking space for every 200 square feet of floor area.

However, a self-storage warehouse is very similar to the warehouses found in modern office & light industry developments and previous Zoning Administrators have used the parking requirement for industrial uses that is found in paragraph 7.4.1.D. for those warehouses and also for self-storage warehouses. Paragraph 7.4.1.D. requires one parking space per each three employees based on the maximum number of employees during a work period. When applied to self-storage warehouses that standard that has been administered as “one space per three self-storage warehouse units” and that is the standard used to determine the required parking spaces for the self-storage warehouse portion of the subject property. The minimum required parking for the office portion is still 7.4.1.C.3.e., which is one parking space for every 200 square feet of floor area.

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, **“With the upgrades, I would say that I have not caused any difficulties or hardships to other properties or myself.”**
 - B. The nearest building on neighboring property is approximately 125 feet from the shared property line to the south.

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, **“By granting this variance and permitting upgrades, it will be the final face of construction in the west yard. With the exception of preventive maintenance will be no more need to improve property in that area.”**

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- B. Regarding the requested Variance:
- (1) Regarding Part A of the Variance, for 48 parking spaces in lieu of the minimum required 58 parking spaces: the requested variance provides 10 fewer parking spaces, equivalent to 83% of the minimum required, for a variance of 17%.
 - (2) Regarding Part B of the Variance, for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet: the requested variance for the setback is 5 feet less, or 91% of the minimum required, for a variance of 9%; the front yard is 5 feet less, or 80% of the minimum required, for a variance of 20%.
- C. Regarding Part A of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the parking requirements. Presumably the parking space requirements are intended to ensure that employees, customers, and deliverers of goods and services have ample room to park safely in consideration of pedestrians and other roadway users.
 - (2) In a memo to the Petitioner dated December 15, 2014, John Hall indicated that “if there are more or less than 3 company vehicles, the number of required spaces will change and if any company vehicles are parked indoors the number of required spaces would be reduced accordingly.”
 - (3) Eighteen of the 58 required parking spaces are for use by patrons of the self-storage units. One can reasonably assume that all patrons would rarely enter the property at the same time, which would result in less demand for the available parking spaces.
- D. Regarding Part B of the Variance:
- (1) The Zoning Ordinance does not clearly state the considerations that underlie the front setback and front yard requirements. Presumably the front setback and front yard are intended to ensure the following:
 - (a) Adequate separation from roads.
 - (b) Allow adequate area for road expansion and right-of-way acquisition.
 - (c) Parking, where applicable.
 - (2) The subject property is on a cul-de-sac with generally lower traffic volumes and speed limits than other minor roads. No further right-of-way acquisition is anticipated.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

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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: **“Factors that tend to insure that variance will not be injurious to the neighborhood or otherwise to the public health safety or welfare are: 1) We will not be asking for parking spaces to change or impede into public roadway, just move them 5 feet to the west (that still maintains 300 sq. ft. as required and 10 foot setback requirement) and 2) 5 feet dedicated to covered porch will insure safe HCP, general public and patrons accessibility to Frazier Properties.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Scott Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest building on neighboring property is approximately 125 feet from the shared property line.

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: **“Upgrades and allowing of variance will provide strong and ensured growth to Stahly subdivision by providing a safe and inviting place for small business to grow and contribute to the local economy.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

No Special Conditions are proposed at this time.

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DOCUMENTS OF RECORD

1. Variance Application received on July 17, 2014, with attachments:
 - A Site Plan

2. Preliminary Memorandum dated January 22, 2014 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Approved Site Plan for ZUPA # 351-02-03
 - C Site Plan received July 17, 2014
 - D Annotated Site Plan
 - E Images packet dated December 30, 2014
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination

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FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case 792-V-14 held on **January 29, 2014**, 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: _____

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: _____

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because: _____

4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because: _____

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: _____

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/structure because: _____

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

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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 **792-V-14** is hereby *{GRANTED / GRANTED WITH CONDITIONS/ DENIED}* to the petitioner **Robert Frazier** to authorize the following variances in the I-1 Light Industry Zoning District:

Part A. Variance for 48 parking spaces in lieu of the minimum required 58 parking spaces as required by Section 7.4 of the Zoning Ordinance.

Part B. Variance for a setback of 50 feet and a front yard of 20 feet between the principal building and Tiffany Court in lieu of the minimum required setback of 55 feet and the minimum required front yard of 25 feet as required by Section 5.3 of the 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:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date