

**Brookens Administrative
Center**
1776 E. Washington Street
Urbana, Illinois 61802

(217) 384-3708
zoningdept@co.champaign.il.us
www.co.champaign.il.us/zoning

CASE NO. 092-V-23
SUPPLEMENTAL MEMORANDUM #1
June 21, 2023

Petitioners: **Stephen Lemke**

Request: **Authorize the following variance in the I-1 Light Industry Zoning District:**

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning Ordinance.

Subject Property: **Lots 141 and 142 in Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and more commonly known as 318 Paul Ave, Champaign, Illinois.**

Site Area: **0.15 acres (6,600) square feet)**

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

Prepared by: **Trevor Partin**, Associate Planner
Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator

STATUS

This case was continued from the June 15, 2023 ZBA meeting. No comments have been received from relevant jurisdictions or the public.

Mr. Lemke measured the distance from the west side of Lot 148 to the west side of Lot 142 and found that the deck would cross the proposed property line by 3.5 to 4 feet. This measurement is similar to the 4-foot distance that Staff measured during their site visit in May.

Mr. Lemke and P&Z Staff both reached out to Jeff Marino with the City of Champaign. In an email received June 20, 2023, Mr. Marino said the city's legal staff needed time to review the possible processes involved with changing the lot line other than the simple PIN split currently proposed. Mr. Marino said there were three options for splitting the lot off if it was determined that splitting along existing Wilber Heights lot lines was not possible:

1. Certificate of Exemption – \$25. This would not require a Plat of Survey, but would take one to two months for review and approval by the City. It is Staff's understanding

that this option is only available for lot splits within the city limits, but the city's legal team is verifying that. The lots would remain in County zoning jurisdiction.

2. Annexation Agreement plus Certificate of Exemption – \$32. This would not require a Plat of Survey, but would take about three months for review and approval. There is no guarantee of approval. This option would put the property in the zoning jurisdiction of the City of Champaign.
3. Preliminary/Final Plat with waivers – \$60. This would require a Plat of Survey prepared by an engineer or surveyor with an estimated cost of \$2,000 and would need about two months for review and approval. The lots would remain in County zoning jurisdiction.

Mr. Lemke proposed a special condition that could be added for approval of the variance under the assumption of the simple lot split currently proposed. With some revisions by P&Z Staff, the condition is as follows:

- A. **If the deck were to be destroyed or Lots 141 and 142 are sold to anyone other than an immediate family member separately from Lots 143 through 148, the deck must either be removed or not replaced past the lot line or a change to the lot lines to accommodate the deck must be approved by the City of Champaign.**

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

That future owners have no structures overlapping the lot line.

P&Z Staff offer a second condition for the variance:

- B. **Within 30 days of approval of Case 092-V-23, the petitioner shall file a Miscellaneous Document with the Recorder of Deeds alerting any prospective purchaser of either Lots 141 and 142 or Lots 143 through 148 of the existence of the special condition requiring modification of the deck or approval by the City of Champaign.**

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

That potential future owners are aware of the structure overlapping the lot line.

ATTACHMENTS

- A Legal ad for Case 092-V-23
- B Email from Jeff Marino received June 20, 2023

LEGAL PUBLICATION: WEDNESDAY, MAY 31, 2023

CASE: 092-V-23

NOTICE OF PUBLIC HEARING IN REGARD TO A VARIANCE UNDER THE PROVISIONS OF THE CHAMPAIGN COUNTY ZONING ORDINANCE.

CASE: 092-V-23

Stephen Lemke, 318 Paul Ave, Champaign, Illinois, has filed a petition for a Variance under the provisions of the Champaign County Zoning Ordinance on property in unincorporated Champaign County. The petition is on file in the office of the Champaign County Department of Planning and Zoning, 1776 E. Washington Street, Urbana, IL.

A public hearing will be held **Thursday, June 15, 2023, at 6:30 p.m.** prevailing time in the Shields-Carter Meeting Room, Brookens Administrative Center, 1776 East Washington Street, Urbana, at which time and place the Champaign County Zoning Board of Appeals will consider a petition for the following:

Authorize the following variance in the I-1 Light Industry Zoning District, on the subject property described below:

Part A: Authorize a variance for a lot area of 6,600 square feet in lieu of the minimum required 10,000 square feet in area as per Section 4.3.4 of the Zoning Ordinance.

Part B: Authorize an existing single-family home with a side yard of 0 feet in lieu of the minimum required 10 feet as per Section 5.3 of the Zoning Ordinance.

Part C: Authorize an existing detached storage shed with a side yard of 0 feet in lieu of the minimum required 10 feet side yard, as per Section 7.2.1 of the Zoning Ordinance.

Subject Property

Lots 141 and 142 in Wilber Heights Subdivision in the Southeast Quarter of the Southwest Quarter of Section 31, Township 20 North, Range 9 East of the Third Principal Meridian in Somer Township, and more commonly known as 318 Paul Ave, Champaign, Illinois.

All persons interested are invited to attend said hearing and be heard. If you would like to submit comments or questions before the meeting, please call the P&Z Department at 217-384-3708 or email zoningdept@co.champaign.il.us no later than 4:30 pm the day of the meeting. The hearing may be continued and reconvened at a later time.

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

TO BE PUBLISHED: WEDNESDAY, MAY 31, 2023 ONLY

Send bill and one copy to: Champaign County Planning and Zoning Dept.
Brookens Administrative Center
1776 E. Washington Street
Urbana, IL 61802

Phone: 384-3708

Our News Gazette account number is 99225860.

Susan Burgstrom

From: Jeff Marino <Jeff.Marino@champaignil.gov>
Sent: Tuesday, June 20, 2023 9:32 AM
To: Susan Burgstrom
Subject: Re: Wilbur Heights Lot Line Change

Follow Up Flag: Follow up
Flag Status: Flagged

RECEIVED
JUN 20, 2023
CHAMPAIGN COUNTY
PLANNING & ZONING

CAUTION: External email, be careful when opening.

Susan,

Certificate of Exemption – \$25 – one to two months review and approval
Annexation Agreement plus Certificate of Exemption – \$32 – three months review and approval. No guarantee it would be approved.
Preliminary/Final Plat with waivers – \$60 review fee/ \$2,000 generating the plat. 2 months review and approval

I hope this helps,
Jeff Marino
Senior Planner
Planning and Development Department
City of Champaign

From: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Sent: Tuesday, June 20, 2023 9:28 AM
To: Jeff Marino <Jeff.Marino@champaignil.gov>
Subject: RE: Wilbur Heights Lot Line Change

[EXTERNAL]
Thanks Jeff.

Could you please outline the approximate fees for each of those scenarios? We want the Board to understand the cost implications for the client.

Thanks,
Susan

From: Jeff Marino <Jeff.Marino@champaignil.gov>
Sent: Tuesday, June 20, 2023 9:22 AM
To: Susan Burgstrom <sburgstrom@co.champaign.il.us>
Subject: Wilbur Heights Lot Line Change

CAUTION: External email, be careful when opening.

Susan,

I talked to our Legal Department about the possible lot line change at the NW corner of Paul and Fourth. They weren't 100 percent sure of the process, and they needed time to review the codes. It would either be an Annexation Agreement allowing the Certificate of Exemption, or a plat that waives the improvements, or there is even a possibility of a Certificate of Exemption without triggering the infrastructure improvements.

It didn't sound like they were going to have an answer in time for your next ZBA meeting. I'm out of the office next week, as well. I liked the idea of the condition of approval, if the ZBA was willing to approve that. If the ZBA doesn't approve the condition, let us know, and we can get a final ruling on the Certificate of Exemption.

Jeff Marino, AICP
Senior Planner
Planning and Development Department
City of Champaign