

CASE 222-V-26

PRELIMINARY MEMORANDUM
September 24, 2026

Petitioner: Donald & Deborah Bilek

**Request: Authorize the following variance in the R-2 Single Family Residence
Zoning District:**

Part A: Authorize a variance for an existing single-family residence with a setback of 52 feet from the centerline of East St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage shed with a side yard of three feet from the west property line, in lieu of the required five feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for a second existing detached storage shed with a side yard of four feet from the south property line, in lieu of the required five feet per Section 7.2.1 of the Zoning Ordinance.

Location: Lots 1 and 4 of Busey's 6th Addition to Penfield, in the Southwest Quarter of the Southwest Quarter of Section 4, Township 21 North, Range 14 West of the Second Principal Meridian, in Compromise Township with PIN 06-12-04-356-010, commonly known as the property with an address of 404 ½ East St. Penfield.

Site Area: 0.4 acre

Time Schedule for Development: Currently in use

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

BACKGROUND

The petitioners Donald & Deborah Bilek own the subject property that contains an existing single-family dwelling, two yard sheds and a camper used as a storage building. The petitioners purchased the property in 2020. The home and sheds were in their current location prior to 2011.

The Department contacted the property owners in response to a complaint regarding a camper on the property. The Petitioner submitted a Zoning Use Permit Application for the existing manufactured home, sheds and the camper to be used for storage. During review of the Zoning Use Permit it was determined that a variance was required for the home and two sheds.

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 Compromise 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	R-2 Single Family Res.
North	Single Family Residence	R-2 Single Family Res.
East	Single Family Residence	R-2 Single Family Res.
West	Single Family Residence/Vacant	R-2 Single Family Res.
South	Single Family Residence	R-2 Single Family Res.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan showing existing building locations from Zoning Use Permit 217-26-01, submitted August 5, 2026
- C 2026 Annotated Aerial Photos showing existing building locations
- D 1973 aerial photograph
- E Site Images
- F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 222-V-26 dated October 1, 2026

Location Map
Case 222-V-26
October 1, 2026



 Subject Property

0 0.5 1 Miles

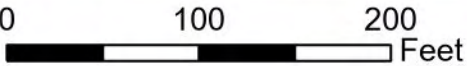


0 2 4 Miles

PLANNING & ZONING

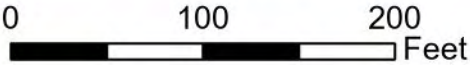


 Subject Property  Residential





 Subject Property  R-2 Single Family Residence  AG-2 Agriculture

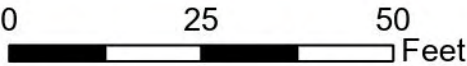


Don Bilek 5 Aug 26
Elm Street



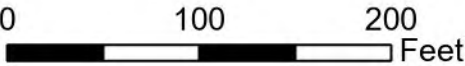


 Subject Property





 Subject Property



222-V-26 Site Images



From East St. looking northwest toward south property line.



From East St. looking north along subject property (2991).

222-V-26 Site Images



From intersection of East St. and Elm St. looking southwest toward subject property.



From Elm St. looking south toward subject property.

222-V-26 Site Images



From Elm St looking south along alley.

PRELIMINARY DRAFT

222-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: ***{June 25, 2026}***

Petitioner: **Donald & Deborah Bilek**

Request: **Authorize the following variance in the R-2 Single Family Residence
Zoning District:**

Part A: Authorize a variance for an existing single-family residence with a setback of 52 feet from the centerline of East St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage shed with a side yard of three feet from the west property line, in lieu of the required five feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for a second existing detached storage shed with a side yard of four feet from the south property line, in lieu of the required five feet per Section 7.2.1 of the Zoning Ordinance.

Table of Contents

General Application Information.....	2
Required Variance.....	2 - 3
Specific Ordinance Requirements.....	3 - 5
Variance Evidence	5- 8
Documents of Record.....	8
Case 222-V-26 Findings of Fact.....	9
Case 222-V-26 Final Determination	10

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 1, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Donald & Deborah Bilek are the owners of the subject property at 404 ½ East St. Penfield. Lots 1 and 4 of Busey's 6th Addition to Penfield, in the Southwest Quarter of the Southwest Quarter of Section 4, Township 21 North, Range 14 West of the Second Principal Meridian, in Compromise Township with PIN 06-12-04-356-010, commonly known as the property with an address of 404 ½ East St. Penfield.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
 - B. The subject property is located within Compromise Township, which has 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

3. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The .4-acre subject property is zoned R-2 Single Family Residence and is used for single family residential.
 - B. Land surrounding the subject property is zoned R-2 Single Family Residence and is in use as single family residential.
4. There are no prior Zoning Cases for the subject property.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan indicates the following:
 - (1) One existing single-family dwelling approximately 1120 square feet in area.
 - (2) One 12X20 detached storage shed.
 - (3) One approximately 288 square foot camper used for storage.
 - (4) One 10x12 detached storage shed.
 - B. There have been no previous Zoning Use Permits for the property.
 - C. The requested variance includes the following:
 - (1) Authorize a variance for an existing single-family residence with a setback of 52 feet from the centerline of East St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

- (2) Authorize a variance for an existing detached storage shed with a side yard of three feet from the west property line, in lieu of the required 5 feet per Section 7.2.1 of the Zoning Ordinance.
- (3) Authorize a variance for a second existing detached storage shed with a side yard of four feet from the south property line, in lieu of the required 5 feet per Section 7.2.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. 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) “BUILDING, MAIN or PRINCIPAL: The BUILDING in which is conducted the main or principal USE of the LOT on which it is located.
 - (5) “DWELLING” is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (6) “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.
 - (7) “LOT LINES” are the lines bounding a LOT.
 - (8) “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.
 - (9) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.

PRELIMINARY DRAFT

- (10) “NONCONFORMING PREMISES” is a NONCONFORMING LOT with a NONCONFORMING STRUCTURE located on it.
- (11) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (12) “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.
- (13) “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.
- (14) “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.
- (15) “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.
- (16) “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.
- (17) “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.
- (18) “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 R-2 Single Family Residence DISTRICT is intended to provide areas for SINGLE FAMILY detached DWELLINGS, set on medium sized building LOTS and is intended for application within or adjoining developed areas where community facilities exist.
- 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) Minimum setback from the centerline of a MINOR STREET for a STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 5.3 of the Zoning Ordinance as 55 feet.
 - (2) Minimum FRONT YARD for a structure in the R-2 Single Family Residence Zoning District is established in Section 5.3 of the Zoning Ordinance as 25 feet.
 - (3) Minimum SIDE YARD from SIDE LOT LINE to an ACCESSORY STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 7.2.2 of the Zoning Ordinance as 5 feet.
 - (4) Minimum REAR YARD from REAR LOT LINE to an ACCESSORY STRUCTURE in the R-2 Single Family Residence Zoning DISTRICT is established in Section 7.2.2 of the Zoning Ordinance as 5 feet.

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 testified the following on the application: **“Shed was in place when the property was purchased. Lined up home where original home was placed.”**
 - B. Regarding variance Part B, the shed on the west side of the property was placed sometime prior to 2002 by a previous owner.
 - C. Regarding variance Part A and Part C, the home and the shed on the south side of the property was placed sometime between 2008 and 2011 by a previous owner.

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 Petitioners testified the following on the application: **“Would have to move whole house and shed.”**
 - B. Regarding variance Part A, without the proposed variances, the existing home would have to be moved west 11 feet.
 - C. Regarding variance Parts B and C, without the proposed variance the existing sheds would have to be moved or demolished.

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 Petitioners testified the following on the application: **“Shed was in place already, I lined up the house with the previous house.”**
 - B. The existing home and sheds were in place prior to 2011, the petitioner purchased the property in 2020.

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 Petitioners testified the following on the application: **“Shed setback is not that far from required distances, neighborhood is older so I put the house where all others were, in line with other houses.”**
 - B. Regarding variance Part A for an existing single-family residence with a setback of 52 feet from the centerline of East St. and a front yard of 14 feet in lieu of the required 55 feet and

25 feet respectively: the requested setback variance is 95% of the minimum required, for a variance of 5% and the requested front yard variance is 56% of the minimum required, for a variance of 44%.

- C. Regarding variance Part B for an existing detached storage shed with a side yard of three feet from the west property line, in lieu of the required five feet: the requested side yard is 60% of the minimum required, for a variance of 40%.
- D. Regarding variance Part C for an existing detached storage shed with a side yard of four feet from the south property line, in lieu of the required five feet: the requested side yard is 80% of the minimum required, for a variance of 20%.
- 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 East St.
 - (3) Parking, where applicable.
 - a. The right-of-way for East St. is 66 ft. wide which can accommodate parking in the right of way that does not impede traffic.
- F. The Zoning Ordinance does not clearly state the considerations that underlay 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.
 - a. Adjacent properties to the west are separated by a 14 ft. alley.
 - b. The nearest structure on the property to the south is over 40 ft. away.
 - (2) Separation of structures to prevent conflagration: The subject property is within the jurisdiction of the Gifford Fire Protection District. The station is approximately 4.9 road miles from the subject property.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- G. 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

- 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:

PRELIMINARY DRAFT

- A. The Petitioners testified the following on the application: **“No hazards or injuries would result from where it is now.”**
- B. The Compromise Township Road Commissioner has been notified of this variance, and no comments have been received.
- 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

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner did not provide a response.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
No special conditions are proposed at this time.

DOCUMENTS OF RECORD

- 1. Application for Variance received August 13, 2026, with attachments:
 - A Site Plan showing existing building locations from Zoning Use Permit 217-26-01, submitted August 5, 2026
- 2. Preliminary Memorandum dated June 18, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan showing existing building locations from Zoning Use Permit 217-26-01, submitted August 5, 2026
 - C 2026 Annotated Aerial Photos showing existing building locations
 - D 1973 aerial photograph
 - E Site Images
 - F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 222-V-26 dated October 1, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **222-V-26** held on **October 1, 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 property had a smaller manufactured home on it in the same location prior to the adoption of the Champaign County Zoning Ordinance.***
 - b. ***The existing home and sheds were in place when the petitioner purchased the property.***
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***Without the proposed variances, the existing home would have to be moved and the two existing sheds would have to be moved or demolished.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner purchased the property with the home and sheds in their current locations in 2020.***
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: there is minimal traffic in the area and there are no known plans to expand East St. in this location.***
 - b. ***Regarding variance Part B and C: there is adequate separation to adjacent structures.***
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. ***The Compromise Township Highway Commissioner was notified of the case, and no comments have been received.***
 - b. ***Other 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 for the existing structures to remain in their current locations.***
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 222-V-26 is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioner, **Donald & Deborah Bilek**, to authorize the following:

Authorize the following variance in the R-2 Single Family Residence Zoning District:

Part A: Authorize a variance for an existing single-family residence with a setback of 52 feet from the centerline of East St. and a front yard of 14 feet in lieu of the required 55 feet and 25 feet respectively per Section 5.3 of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage shed with a side yard of three feet from the west property line, in lieu of the required five feet per Section 7.2.1 of the Zoning Ordinance.

Part C: Authorize a variance for a second existing detached storage shed with a side yard of four feet from the south property line, in lieu of the required five feet per Section 7.2.1 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:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals
Date