

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the Lee County Board desires to act upon Petition No. 24-P-1632 by Petitioner Jeffrey A. Lewis. The parcel identification number is 07-02-17-252-015 and is situated in Dixon Township. The parcel is currently zoned R-2, Single Family Residential District. Petitioner is requesting a variance from Title 10, Chapter 9, Section 3: Bulk Regulations, specifically the side yard setback, for the purpose of adding on to an existing accessory structure, due to exceptional topographic conditions.

WHEREAS, the necessary public hearing was held before the Zoning Board of Appeals on the petition described and the Zoning Board of Appeals made a Finding of Fact, a copy of which is attached hereto as Exhibit A. The vote ended in a tie (2-2) which resulted in neither a recommendation to approve or deny from the Zoning Board of Appeals for said Petition.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Board that Petition No. 24-P-1632 (Lewis) be (**approved/denied**) by the Lee County Board.

PASSED BY THE LEE COUNTY BOARD

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

BY: \_\_\_\_\_  
Lee County Board Chairman

ATTEST:

\_\_\_\_\_  
Lee County Clerk

# Lee County Zoning Board of Appeals

EXHIBIT A

**Petitioner:** Jeffrey A. Lewis

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<b>Petition Number:</b> 24-P-1632	<b>Current Zoning:</b>	R-2, Single Family Residential District
<b>Township:</b> Dixon	<b>Request:</b>	Variation to side yard setback
<b>Date:</b> 2/6/2025	<b>Purpose:</b>	Addition to existing garage
	<b>Hardship:</b>	Exceptional topographical conditions

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## Finding of Fact

1) *Effect of the proposed use upon the character of the neighborhood.*

- a. No effects.

Luke Phalen made a motion to approve this finding and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

2) *Effect of the proposed use upon traffic conditions.*

- a. No change in traffic due to this petition.

Craig Buhrow made a motion to accept this finding, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

3) *Effect of proposed use upon public utility facilities.*

- a. No negative effect anticipated to public utilities.

Luke Phalen made a motion to approve this finding and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

4) *Effect of the proposed use upon public health, public safety, and/or general welfare.*

- a. No negative effect anticipated to public health, safety and welfare.

Craig Buhrow made a motion to accept this finding, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

5) *Effects of the proposed use upon the surrounding properties.*

- a. It does affect the neighboring property being close to the lot line and the visibility.

Tim Crawford made a motion to accept this finding, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

6) *Effects of the proposed use upon environmental concerns.*

- a. It does not appear to have any environmental concerns.

Craig Buhrow made a motion to accept this finding, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

SUPPLEMENTAL FINDINGS SPECIFIC TO ZONING ORDINANCE 10-10B (VARIATIONS)

7) *Does requiring the Petitioner to comply with the required seven-foot setback impose difficulties or particular hardship upon the Petitioner?*

Luke Phalen made a motion that it does impose difficulties or particular hardship upon the Petitioner, and a second was discerned. Discussion was held and Mr. Forster stated he feels that granting this variance is a convenience as boats can be stored offsite.

Luke Phalen then made a motion to rescind his motion and the second was also rescinded. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

Craig Buhrow made a motion that there are other options available to the Petitioner; they are just not convenient, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

8) *Is the granting of the requested variation in harmony with the general purpose and intent of the zoning ordinance?*

Tim Crawford made a motion that the request for variation is not in harmony with the general purpose and intent of the zoning ordinance, and a second was discerned. Debate was held. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

9) *Will the granting of such variation merely serve as a convenience to the Petitioner?*

Craig Buhrow made a motion that the variation would be a convenience to the Petitioner, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

10) *Is there a demonstrable hardship so great as to warrant a variation?*

Luke Phalen made a motion that there is no hardship, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

11) *Are there exceptional topographical conditions that result in peculiar and exceptional practical difficulties or particular hardships?*

Luke Phalen made a motion that there are exceptional topographical conditions that result in peculiar and exceptional practical difficulties or particular hardship, and a second was discerned. Debate was held and Chair Forster noted that the Petitioner should have been aware of the exceptional topographical conditions when he purchased the property. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

12) *Will the granting of the requested variation cause substantial detriment to the public good?*

Tim Crawford made a motion that the requested variance will not cause substantial detriment to the public good, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

- 13) *Will the granting of the requested variation substantially impair the general purposes and intent of the comprehensive plan as established by the regulations and provisions contained in Lee County's zoning ordinance?*

Luke Phalen made a motion that the requested variance will not substantially impair the general purposes and intent of the comprehensive plan as established by the regulations and provisions contained in Lee County's zoning ordinance, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

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**\*Recommendation to the Full Board:**

Approve

~~Deny~~

**Luke Phalen made a motion to approve Petition No. 24-P-1632, and a second was discerned. There was no debate. A vote was taken, resulting in a 2-2 tie (Forster and Buhrow dissent).**

Conditions:

1. The building structure has to be a minimum of one foot from the property line.

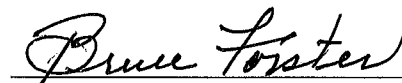
Tim Crawford made a motion to accept this condition, and a second was discerned. There was no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

2. Property owner must follow all other covenants and restrictions for his subdivision, outside of this variation if approved.

Luke Phalen made a motion to accept this condition, and a second was discerned. There as no debate. A vote was taken, and the ayes prevailed. Motion passed, 4-0.

Respectfully submitted,

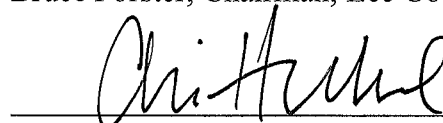
Dated: 7 Feb 2025



Bruce Forster, Chairman, Lee County Zoning Board of Appeals

Attest:

Dated: 2/7/2025



Alice Henkel, Lee County Planning & Zoning Administrator