

CASES 842-V-16 and 849-V-16

PRELIMINARY MEMORANDUM

AUGUST 4, 2016

Petitioner: **Richard Behnke**

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

Case 842-V-16: Authorize a variance for a proposed division of a lot 3.39 acres in area in lieu of the minimum required lot area of 5 acres.

Case 849-V-16: Authorize a variance for a proposed average lot width of 193 feet in lieu of the minimum required average lot width of 200 feet for the north 193 feet of the subject property.

Subject Property: **A tract of land located in the southwest corner of the intersection of US Route 150 and CR2450E that is in the Northeast Quarter of the Northeast Quarter of the Fractional Northwest Quarter of Section 18, Township 19 North, Range 11 East of the Third Principal Meridian in Ogden Township, and commonly known as 2431 CR1600N, St. Joseph, Illinois.**

Site Area: **3.39 acres**

Time Schedule for Development: **As soon as possible**

Prepared by: **Susan Chavarria**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Richard Behnke purchased the 3.39 acre subject property in June 2015. He would like to divide the property into two lots so he can construct two residences. Case 842-V-16 is required because the Zoning Ordinance does not allow divisions of lots less than 5 acres in area. Case 849-V-16 is required because one of the two lots the petitioner would like to create would have an average lot width of 193 feet in lieu of the minimum required 200 feet.

Mr. Behnke would demolish the existing buildings on the site, which have fallen into disrepair. He would create two new access drives on CR2450E and vacate the current access drive on US150. He would install two separate septic systems and each lot would have its own well.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.

Richard Behnke
August 4, 2016

The Village of St. Joseph approved a Resolution Waiving Requirements of Title 11, Subdivision Regulations, on May 24, 2016. The Petitioner will not have to subdivide the property with the Village of St. Joseph.

The subject property is located within Ogden Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified 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 and single family residence	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITION

For Case 849-V-16, staff proposes the following special condition:

- A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.**

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

That the new lots conform to the Illinois Plat Act (765 ILCS 205).

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 11, 2016
- C Photos of existing property received May 10, 2016
- D On-Site Soil Evaluation for Septic Filter Field completed on April 18, 2016 by Roger Windhorn, MS, for proposed Lots 1 and 2 and received May 10, 2016
- E Resolution Waiving Requirements of Title 11, Subdivision Regulations, approved by the Village of St. Joseph on May 24, 2016 and received May 25, 2016
- F Images of Subject Property taken by staff July 12, 2016
- G Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 4, 2016

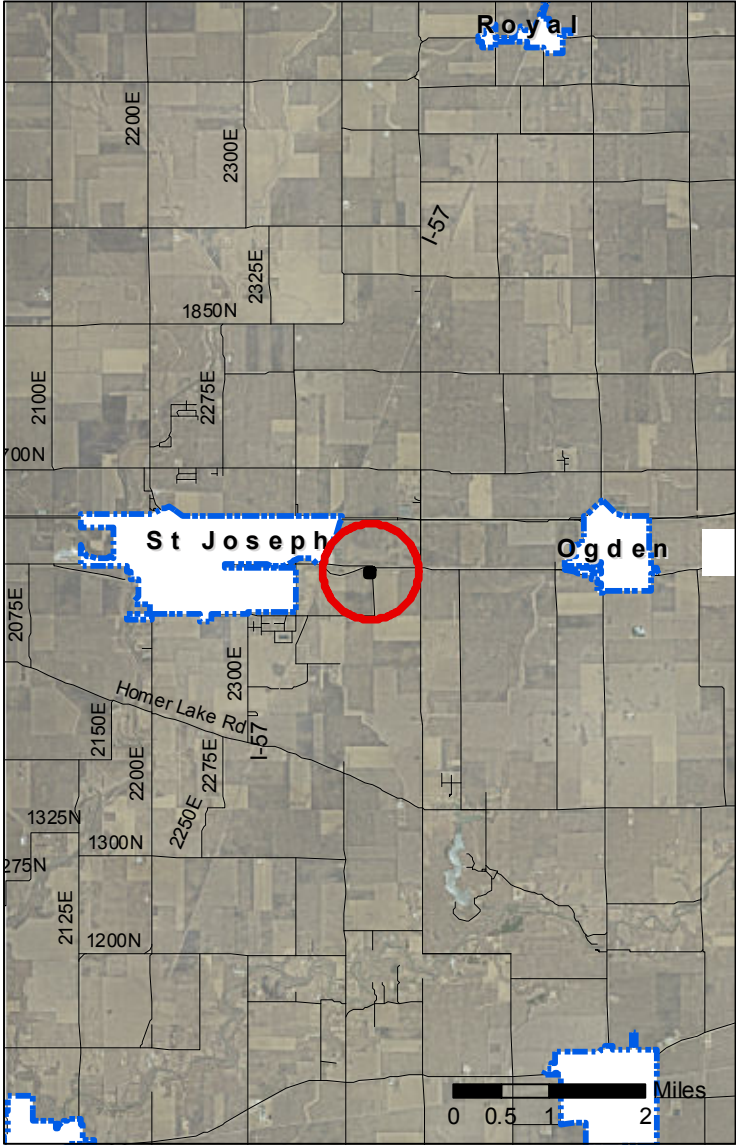
Location Map

Cases 842-V-16 and 849-V-16
August 11, 2016





Subject Property



Property location in Champaign County



Legend

-  Subject Property
-  Municipal Boundary
-  Streets
-  Parcels





Land Use Map

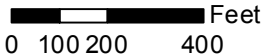
Cases 842-V-16 and 849-V-16
August 11, 2016



Legend

-  Subject Property
-  Parcels

- SF Single Family Residential
- AG Agriculture



Zoning Map

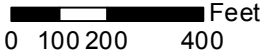
Cases 842-V-16 and 849-V-16

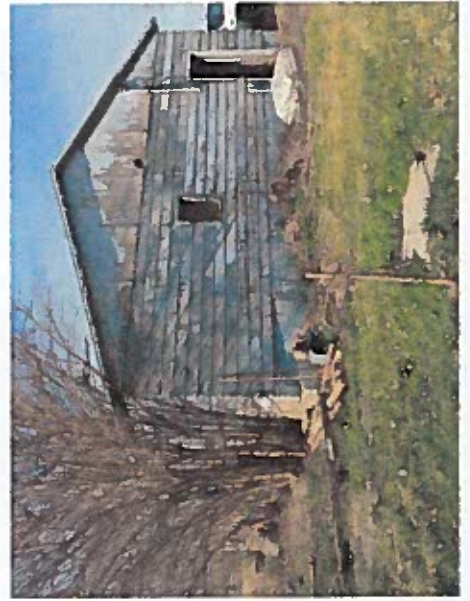
August 11, 2016



Legend

- Subject Property
- Parcels





ON-SITE SOIL EVALUATION for SEPTIC FILTER FIELD
SE-2018
North – Lot 1

To: Richard Behnke, PO Box 7411, Champaign, Illinois 61826.

On April 18, 2016 an in-field soil evaluation was made on the property at 2431 CR 1600N, St. Joseph, Illinois in Champaign County. This soil evaluation is done in accordance with and by the standards established in the PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE of 2003 and continuing in subsequent revisions and updates. (Recently October, 2013) **NOTE:** This evaluation was based on site conditions on the above mentioned date. If soil or site conditions are altered, a new evaluation may be necessary. **NOTE: A second soil evaluation on the same site is an additional fee.** **NOTE:** *Soil Evaluation* test rarely fails a site by itself for *conventional systems*, unless very wet, very slow permeability due to compaction, very dense glacial till, or composed entirely of fill material. State Septic Code allows for depth and size ranges to accommodate different soil conditions. **NOTE: From a professional perspective this soil report belongs to the person paying for it.**

Three holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole 1 is on the south side of the proposed field. Hole 3 is located on the north side of the field, with Hole 2 located between the others. Elevation difference between the holes is estimated to be one foot or so. The distance between each hole is at least 50 feet as specified in the State Code or as far apart as lot size allowed. All holes were described using accepted procedures and terminology as used in the United States Department of Agriculture Soil Survey Manual. The approximate field location of the holes has been sketched on the soil description sheets, although the field map is not to scale.

Hole Number 1 (South) had a *Limiting Layer (as defined in 2013 STATE CODE)* at a depth of about 27 inches. This limiting layer is a seasonal water table as indicated by prominent, continuous gray soil mottles. “Seasonal High Water Table” is a natural condition of saturation that exists in the soil *temporarily*, sometimes *only for a couple of weeks*, during the wettest time of the year. The soil horizons at a depth of 17 to 39 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

Hole Number 2 (Center) had a *Limiting Layer* at a depth of 26 inches, as indicated by prominent, continuous gray soil mottles (seasonal high water table). The soil horizons at a depth of 26 to 33 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

Hole Number 3 (North) had a *Limiting Layer* at a depth of 27 inches, as indicated by prominent, continuous gray soil mottles (seasonal high water table). The soil horizons at a depth of 18 to 27 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

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SITE CHARACTERISTICS. All three holes have layers in the middle or lower part of the subsoil that have a Moderately Slow permeability rate. They have a loading rate of 0.45g/d/sq. ft. or 445 square feet per bedroom. All three holes *would have formed under soil conditions with a seasonal high water table in the middle part of the subsoil.* Any seasonal water table present is part of a regional water table that exists in this general area. *The in-field tile lines in the surrounding farm fields have reduced the seasonal water table effect on this site. (Illinois Drainage Guide, Univ. of Illinois)* A suggestion would be to keep any future construction traffic off the proposed leach field location. The field location should be protected from encroachment by heavy trucks, fill material, driveways, buildings, etc.! Always a good idea to keep the leach field as shallow as State Code and conditions allow.

Example situation based on soil properties only: *Restrictive soil layers are listed in 2013 State Code.* Least permeable layer between the top of the *septic distribution system* to about two feet below the bottom of the trench, (about 38" to 42") defined in the 2013 State Code, has a loading rate of 0.45 g/d/sq. ft. or 445 sq. ft. per bedroom. Size of the actual leach field for a conventional chamber system will depend on *number* of bedrooms, *depth* and *type* of system installed. Gravel systems that are looped and *small* chamber systems will require more linear feet. *Large* (2+ feet) chambers with a 3:1, 4:1 or 5:1 (county specific) sq. ft. to linear foot ratio allow for total square footage required to be divided by a factor of 3, 4 or 5. **Example situation only, if a three bedroom home is assumed here.** Using the most restrictive soil layer listed above, 3 times 445 sq. feet per bedroom would equal 1335 square feet of leach field required for a shallow system. Using a *large* chamber system (4:1), then about 335 linear feet of line would be needed for a conventional system. Aerobic systems and sand filters will require two thirds of this length or equivalent seepage area for an exit field. Seepage beds will require 1 ½ the square footage determined above.

Included are copies of the detailed soil descriptions. Also included are the loading rates applicable for each soil layer. All loading rate charts can be viewed at the Laws and Rules Section of the Illinois Department of Public Health website. <http://www.idph.state.il.us/> If there are questions, I would be glad to discuss any of my findings and conclusions with you at the site.

Roger D. Windhorn, MS
62 Holiday Drive
Clinton, Illinois 61727
217-433-5293
43soiltech@gmail.com

ARCPACS - Certified Professional Soil Scientist #01228
ISCA - Certified Professional Soil Classifier #19



North-2017

SOIL EVALUATION FIELD REPORT

5/14

In accordance with 77 Illinois Administrative Code, Chapter 1, Subchapter r, Section 905

Report prepared for:

Name: Richard Behnke Investigation No: SE-2018 Date: 4-18-16
 Address: PO Box 7411 Property Owner: _____
 City: Champaign State: IL Zip: 61826 County: Champaign
 Site Location: 2431 CR 1600N - ST. TOP

>35%? Soil Description / Interpretations Bore Hole 1 South

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 9	SiL	Blocky-Platy-Massive			265	0.75	5D
A/E	9 17	SiL SiCL	Mod SubAng Blocky-Platy			265	0.75	5D 6D
B	17 27	SiCL	Mod SubAng Blocky			445	0.45	6D 7D
B	27 39	SiCL	Mod Prismatic/Blocky		X	445	0.45	6D 6E 7D
B	39 48	SiCL SCL CL	Weak Mod Prismatic			385	0.52	6E 6D 6E
B	48 53	CL SiCL SCL	Weak CL Prismatic			385	0.52	6E 5B
B C	53 60	CL SiCL SiE	Weak Blocky/Massive			445	0.45	6B 6C

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 27
 Parent Material: Loess >60 Sandy-Loamy Outwash _____ Glacial Till _____ Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope % 1 Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Compaction? () yes no Depth: _____
 Additional Remarks: _____

>35%? Soil Description / Interpretations Bore Hole 2 Center

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
			Blocky-Platy-Massive					
A/E	0 14	SiL SiCL	Mod SubAng Blocky-Platy			265	0.75	5D 6D
B	14 26	SiCL	Mod SubAng Blocky			325	0.62	6D
B	26 33	SiCL	Mod Prismatic/Blocky		X	445	0.45	6D 6E 7D
B	33 42	SiCL SCL CL	Weak Mod Prismatic			385	0.52	6E 6D 6E
B	42 50	CL SiCL SCL	Weak CL Prismatic			385	0.52	6E 5B
B C	50 60	CL SiCL SiE	Weak Blocky/Massive			445	0.45	6B 6C

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 26
 Parent Material: Loess >60 Sandy-Loamy Outwash _____ Glacial till _____ Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope % 1 Shape Flat
 Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained
 Compaction? () yes no Depth: _____
 Additional Remarks: _____

SOIL EVALUATION FIELD REPORT

Lot 1

>35%?

Soil Description / Interpretations Bore Hole 3

North

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
			Blocky-Platy-Massive					
A/E	0 12	SIL SiCL	Mod SubAng Blocky-Platy			2125	0.75	5D 6D
B	12 18	SiCL	Mod SubAng Blocky			325	0.62	6D
B	18 27	SiCL	Mod Prismatic /Blocky			445	0.45	6D 7D
B	27 36	SiCL- SiCL - CL	Weak Mod Prismatic		X	385	0.52	6C 6E
B	36 49	CL SiCL SiCL	Weak Mod Prismatic			385	0.52	6E 5B
B/C	49 60	CL SiCL SiL	Weak Blocky/Massive			445	0.45	6B 6C

*Limiting Layer (LL): Seasonal Water, Gray Matrix, Gray Mottles 4/1 4/2 5/1 (5/2) Other _____ Depth: 27

Parent Material: Loess > 60 Sandy-Loamy Outwash _____ Glacial till _____ Other _____

Physiography: Upland Terrace _____ Landscape Position Broad Flat Slope % 1 Shape Flat

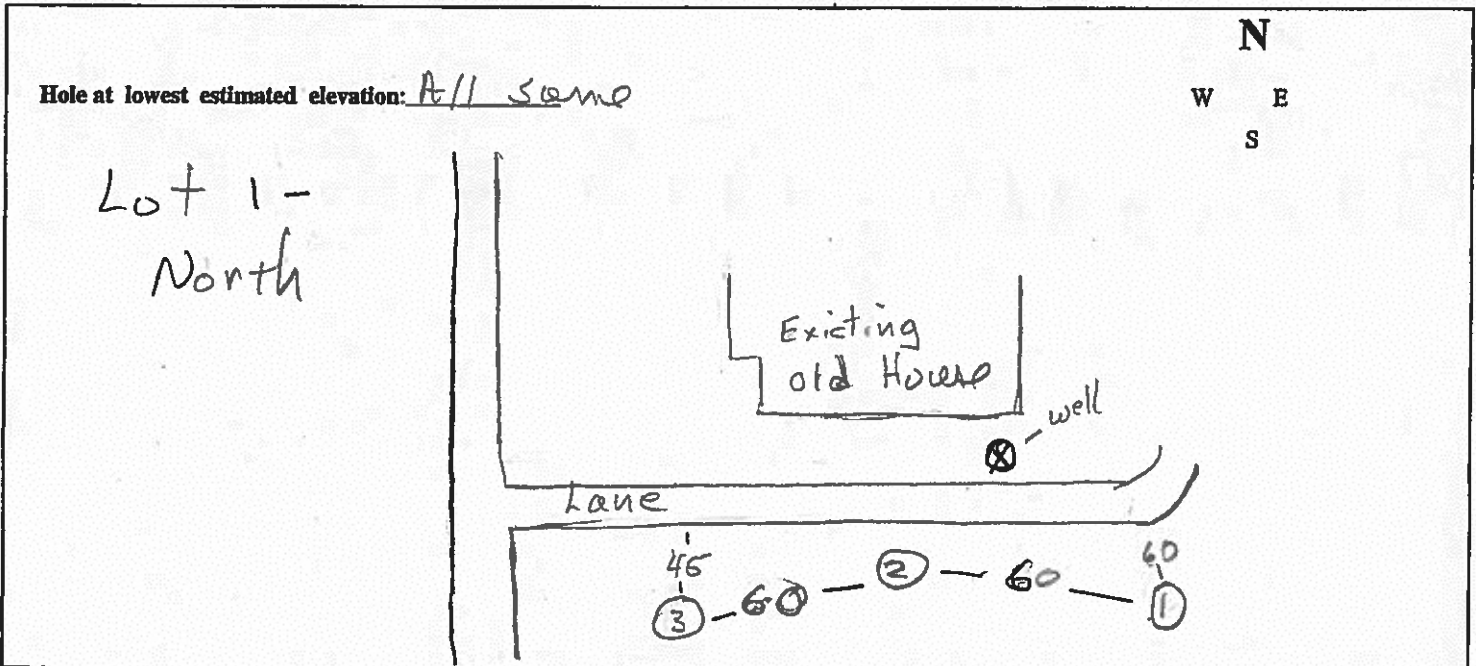
Estimated Drainage Class: Well Drained _____ Moderately Well Drained _____ Somewhat Poorly Drained _____ Poorly Drained _____

Compaction? () yes X no _____ Depth: _____

Additional Remarks: _____

Site Map - **NOT TO SCALE**

Well Location Identified > 75



Report prepared by: Roger Windhorn, MS CPSS - ARCPACS; CPSC - ISCA Soil Tech Phone: (217)433-5293

Signature: Roger D. Windhorn

ON-SITE SOIL EVALUATION for SEPTIC FILTER FIELD
SE-2019
South – Lot 2

To: Richard Behnke, PO Box 7411, Champaign, Illinois 61826.

On April 18, 2016 an in-field soil evaluation was made on the property at 2431 CR 1600N, St. Joseph, Illinois in Champaign County. This soil evaluation is done in accordance with and by the standards established in the PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE of 2003 and continuing in subsequent revisions and updates. (Recently October, 2013) **NOTE:** This evaluation was based on site conditions on the above mentioned date. If soil or site conditions are altered, a new evaluation may be necessary. **NOTE: A second soil evaluation on the same site is an additional fee.** **NOTE:** *Soil Evaluation* test rarely fails a site by itself for *conventional systems*, unless very wet, very slow permeability due to compaction, very dense glacial till, or composed entirely of fill material. State Septic Code allows for depth and size ranges to accommodate different soil conditions. **NOTE: From a professional perspective this soil report belongs to the person paying for it.**

Three holes within the proposed seepage filter field were examined to a depth of 60 inches. Hole A is on the north side of the proposed field. Hole C is located on the south side of the field, with Hole B located between the others. Elevation difference between the holes is estimated to be one foot or so. The distance between each hole is at least 50 feet as specified in the State Code or as far apart as lot size allowed. All holes were described using accepted procedures and terminology as used in the United States Department of Agriculture Soil Survey Manual. The approximate field location of the holes has been sketched on the soil description sheets, although the field map is not to scale.

Hole Number A (North) had a *Limiting Layer (as defined in 2013 STATE CODE)* at a depth of about 26 inches. This limiting layer is a seasonal water table as indicated by prominent, continuous gray soil mottles. “Seasonal High Water Table” is a natural condition of saturation that exists in the soil *temporarily*, sometimes *only for a couple of weeks*, during the wettest time of the year. The soil horizons at a depth of 26 to 32 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

Hole Number B (Center) had a *Limiting Layer* at a depth of 25 inches, as indicated by prominent, continuous gray soil mottles (seasonal high water table). The soil horizons at a depth of 19 to 34 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

Hole Number C (South) had a *Limiting Layer* at a depth of 26 inches, as indicated by prominent, continuous gray soil mottles (seasonal high water table). The soil horizons at a depth of 26 to 34 inches have a Moderately Slow permeability rate due to clay content greater than 35%.

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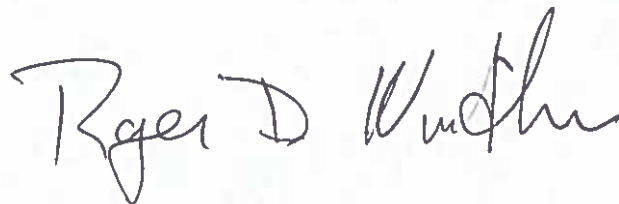
SITE CHARACTERISTICS. All three holes have layers in the middle or lower part of the subsoil that have a Moderately Slow permeability rate. They have a loading rate of 0.45g/d/sq. ft. or 445 square feet per bedroom. All three holes *would have formed under* soil conditions with a seasonal high water table in the middle part of the subsoil. Any seasonal water table present is part of a regional water table that exists in this general area. *The in-field tile lines in the surrounding farm fields have reduced the seasonal water table effect on this site.* (Illinois Drainage Guide, Univ. of Illinois) A suggestion would be to keep any future construction traffic off the proposed leach field location. The field location should be protected from encroachment by heavy trucks, fill material, driveways, buildings, etc.! Always a good idea to keep the leach field as shallow as State Code and conditions allow.

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ARCPACS - Certified Professional Soil Scientist #01228
ISCA - Certified Professional Soil Classifier #19



South - lot 2

SOIL EVALUATION FIELD REPORT

5/14

In accordance with 77 Illinois Administrative Code, Chapter 1, Subchapter r, Section 905

Report prepared for:

Name: Richard Behnke Investigation No: SE-2019 Date: 4-18-16
 Address: PO Box 7411 Property Owner: _____
 City: Champaign State: IL Zip: 61826 County: Champaign
 Site Location: CR 1600N - St. Joe

>35%?

Soil Description / Interpretations Bore Hole A North

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 11	sil	Blocky-Platy-Massive			325	0.62	6D
A/B	11 20	SH SiCL	Mod SubAng Blocky-Platy			325	0.62	SD 6D
B	20 26	SiCL	Mod SubAng Blocky			385	0.52	SD 6E
B	26 32	SiCL	Mod Prismatic/Blocky		X	445	0.45	SD 6E 7D
B	32 41	SiCL SCL CL	Weak Mod Prismatic			385	0.52	6E 6D 6E
2B	41 53	CL SiCL SCL	Weak Mod Prismatic			385	0.52	6E 5B
2BC	53 60	CL SiCL SH	Weak Blocky/Massive			445	0.45	6E 6C

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 26

Parent Material: Loess >60 Sandy-Loamy Outwash _____ Glacial Till _____ Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope % 1 Shape Flat

Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained

Compaction? () yes no Depth: _____

Additional Remarks: _____

>35%?

Soil Description / Interpretations Bore Hole B Center

Layer Desig.	Depth (in)	Texture	Structure	C	Limiting Layer *	Sq Ft/ Bedroom	Loading G/D/Ft ²	Soil Group
A	0 12	sil	Blocky-Platy-Massive			325	0.62	6D
A/B	12 19	SH SiCL	Mod SubAng Blocky-Platy			325	0.62	SD 6D
B	19 25	SiCL	Mod SubAng Blocky			445	0.45	SD 7D
B	25 34	SiCL	Mod Prismatic/Blocky		X	445	0.45	SD 6E 7D
B	34 43	SiCL SCL CL	Weak Mod Prismatic			385	0.52	6E 6D 6E
2B	43 53	CL SiCL SCL	Weak Mod Prismatic			385	0.52	6E 5B
2BC	53 60	CL SiCL SH	Weak Blocky/Massive			445	0.45	6E 6C

*Limiting Layer (LL): Seasonal Water Gray Matrix Gray Mottles 4/1 4/2 5/1 5/2 Other _____ Depth: 25

Parent Material: Loess >60 Sandy-Loamy Outwash _____ Glacial till _____ Other _____
 Physiography: Upland Terrace _____ Landscape Position Broad flat Slope % 1 Shape Flat

Estimated Drainage Class: Well Drained Moderately Well Drained Somewhat Poorly Drained Poorly Drained

Compaction? () yes no Depth: _____

Additional Remarks: _____

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MAY 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT

VILLAGE OF ST. JOSEPH
CHAMPAIGN COUNTY, ILLINOIS

RESOLUTION
NO. 2016 - *2*

RESOLUTION WAIVING REQUIREMENTS OF
TITLE 11, SUBDIVISION REGULATIONS
(Richard Behnke)

WHEREAS, Richard Behnke is the owner of approximately 3.39 acres of land commonly known as 2431 County Road 1600 E, St. Joseph, Illinois, which is located on the southwest corner of U.S. Route 150 and County Road 2450 E., and is legally described as, A PART OF THE NORTH WEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 19 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CHAMPAIGN COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE PUBLIC HIGHWAY (ROUTE 150) WITH THE EAST LINE OF THE NORTH WEST FRACTIONAL QUARTER OF SAID SECTION 18, THENCE SOUTH ALONG THE EAST LINE OF THE NORTH WEST FRACTIONAL QUARTER OF THE SAID SECTION 18 A DISTANCE OF 393 FEET MORE OR LESS, THENCE WESTERLY ALONG AN EXISTING FENCE LINE A DISTANCE OF 375 FEET MORE OR LESS TO A CORNER POST, THENCE NORTHERLY ALONG AN EXISTING FENCE LINE A DISTANCE OF 393 FEET MORE OR LESS TO THE SOUTH LINE OF PUBLIC HIGHWAY (ROUTE 150), THENCE EAST ALONG THE SOUTH LINE OF SAID PUBLIC HIGHWAY TO THE PLACE OF BEGINNING, SITUATED IN CHAMPAIGN COUNTY ILLINOIS, (PIN: 17-23-18-100-002) which property is located within the 1 ½ mile extraterritorial jurisdiction of the Village of St. Joseph; and,

WHEREAS, said owner is seeking to subdivided said tract into two lots.

WHEREAS, it is anticipated that the subdivision will have either no or minimal effects on storm water drainage; and,

WHEREAS, said owners will satisfy any zoning and drainage requirements by the County of Champaign, Illinois; and,

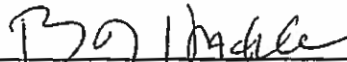
WHEREAS, the Board finds that said subdivision will not negatively impact surrounding

property in a manner that is significantly different than if the property was not subdivided, and no other significant public interest is involved.

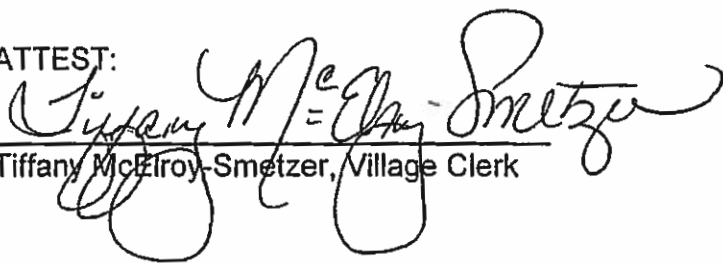
NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees for the Village of St. Joseph, Champaign County, Illinois, as follows:

1. The Board of Trustees for the Village of St. Joseph hereby waives the requirements of Title 11, Subdivision Regulations, of the Village of St. Joseph regarding the above described subdivision of land; and,
2. That above said waiver is conditioned upon the recording with the office of the Recorder for Champaign County, Illinois, an appropriate size copy of a survey of said subdivided tracts; and,
3. That said subdivision comply with applicable Champaign County zoning and other regulations.

PRESENTED, ADOPTED and APPROVED THIS 24 DAY OF May, 2016


B. J. Hackler, President

ATTEST:


Tiffany McElroy-Smetzer, Village Clerk



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MAY 25 2016

CHAMPAIGN CO. P & Z DEPARTMENT

842-V-16 and 849-V-16 Site Images



From US 150, facing south



Existing vacant house, from driveway facing east

842-V-16 and 849-V-16 Site Images



Existing vacant house (left) and detached garage, from driveway facing southeast



From driveway between house and garage, facing east

842-V-16 and 849-V-16 Site Images



Existing vacant house (right) and detached shed, from east side of house facing south



From northeast lot corner at intersection of US150 and CR2450E, facing southwest

842-V-16 and 849-V-16 Site Images



From southeast lot corner at CR2450E, facing northwest



Intersection of US150 and CR2450E, facing south – subject property is on right

PRELIMINARY DRAFT

Cases 842-V-16 and 849-V-16

**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: *{August 11, 2016}*

Petitioner: Richard Behnke

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

Case 842-V-16: Authorize a variance for a proposed division of a lot 3.39 acres in area in lieu of the minimum required lot area of 5 acres.

Case 849-V-16: Authorize a variance for a proposed average lot width of 193 feet in lieu of the minimum required average lot width of 200 feet for the north 193 feet of the subject property.

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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 11, 2016**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Richard Behnke owns the subject property.
2. The subject property is a 3.39 acre tract in the southwest corner of the intersection of US Route 150 and CR2450E that is in the Northeast Quarter of the Northeast Quarter of the Fractional Northwest Quarter of Section 18, Township 19 North, Range 11 East of the Third Principal Meridian in Ogden Township, and commonly known as 2431 CR1600N, St. Joseph, Illinois.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The Village of St. Joseph approved a Resolution Waiving Requirements of Title 11, Subdivision Regulations, on May 24, 2016. The Petitioner will not have to subdivide the property with the Village of St. Joseph.
 - C. The subject property is located within Ogden Township, which does not have 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

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property for Case 842-V-16 is a 3.39 acre lot and is currently zoned AG-1 Agriculture. Land use is a single family residence that is planned for demolition.
 - B. The subject property for Case 849-V-16 is the northern 1.66 acres of the subject property lot in related case 842-V-16 that is zoned AG-1 Agriculture. Land use is the same single family residence that is planned for demolition.
 - C. Surrounding properties are also zoned AG-1 Agriculture and are in agricultural production or residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The proposed line for dividing the existing lot into two lots is as follows:
 - (1) The south lot is proposed to be 200 feet wide, 375 feet deep and 1.72 acres.
 - (2) The north lot is proposed to be 193 feet wide, 375 feet deep and 1.66 acres.
 - B. Existing features on the subject property consist of the following:
 - (1) One residence, approximately 2,500 square feet, to be demolished;

- (2) One 30 feet by 40 feet detached garage, to be demolished;
 - (3) One 40 feet by 60 feet detached storage shed, to be demolished; and
 - (4) One driveway accessing US Route 150, to be removed.
- B. The Petitioner's Site Plan, received May 11, 2016, indicates the following proposed construction, contingent upon approval of both variances:
- (1) One single family residence on the proposed north lot;
 - (2) One single family residence on the proposed south lot;
 - (3) One new driveway accessed from CR 2450 East for each proposed lot;
 - (4) One well for each residence; and
 - (5) One new septic system for each residence.
- C. There are no previous Zoning Use Permits for the subject property. The existing residence and detached buildings were built for agricultural purposes and are exempt from the Zoning Ordinance.
- D. There are no prior Zoning Cases for the subject property.
- E. The required variances are as follows:
- (1) For Case 842-V-16: a Variance for a proposed division of a lot 3.39 acres in area in lieu of the minimum required lot area of 5 acres; and
 - (2) For Case 849-V-16: a Variance for a proposed average lot width of 193 feet in lieu of the minimum required average lot width of 200 feet for the north 193 feet of the subject property.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for 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) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
 - (2) "AGRICULTURE" is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry, and the keeping, raising, and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting, and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm

machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning, or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.

- (3) "AREA, LOT" is the total area within the LOT LINES.
- (4) "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.
- (5) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
- (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 DEPTH" is the distance between the midpoint of the FRONT LOT LINE and the midpoint of the REAR LOT LINE or LINES.
- (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) "LOT LINE, REAR" is any LOT LINE which is generally opposite and parallel to the FRONT LOT LINE or to a tangent to the midpoint of the FRONT LOT LINE. In the case of a triangular or gore shaped LOT or where the LOT comes to a point opposite the FRONT LOT LINE it shall mean a line within the LOT 10 feet long and parallel to and at the maximum distance from the FRONT LOT LINE or said tangent.
- (10) "LOT WIDTH, AVERAGE" is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
- (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) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (14) “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.
- (15) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.
- (16) “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.
- (17) “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.
- B. The AG-1, Agriculture 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 9.1.9 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. Regarding the proposed variance for Case 842-V-16, lots that are 5 acres or less in area may not be further divided as per Section 5.4 of the Zoning Ordinance.
- E. Regarding the proposed variance for Case 849-V-16, minimum lot width in the AG-1 Agriculture District is established in Section 5.3 as 200 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. For Case 842-V-16 regarding further division of lots less than 5 acres, the Petitioner has testified on the application, **“No portion of this property has been used for Tillable Farming Purposes.”**
 - B. For Case 849-V-16 regarding average lot width, the Petitioner has testified on the application, **“Lot is just 7 feet short of minimum requirement.”**
 - C. The prohibition on division of lots less than five acres was first added to the Zoning Ordinance on an interim basis by Ordinance No. 709 (Case 431-AT-03 Part A) on February 19, 2004, and made permanent by Ordinance No. 729 (Case 464-AT-04 Parts A and B) on April 19, 2004.

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. For Case 842-V-16 regarding further division of lots less than 5 acres, the Petitioner has testified on the application, **“The size of the current lot has made it difficult for prior owners to maintain and as a result, the structures have become dilapidated and the lot has become overgrown with weeds and brush.”**
- B. For Case 849-V-16 regarding average lot width, the Petitioner has testified on the application, **“393 foot total lot width will not divide into 2 lots measuring 200 feet each.”**
- C. Regarding Case 842-V-16 for further division of lots less than 5 acres: without the proposed variance, the 3.39 acre property could only have one residence.
- D. Regarding Case 849-V-16 for an average lot width of 193 feet in lieu of the minimum required 200 feet: without the proposed variance, the 3.39 acre lot could not be divided in order to construct 2 residences.

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. For both Cases 842-V-16 and 849-V-16, the Petitioner has testified on the applications, **“No.”**

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. For both Cases 842-V-16 and 849-V-16, the Petitioner has testified on the applications, **“No farmland will be taken out of production. The proposed new lots will still be large enough so that any NEW residential structures will not be overcrowded.”**
 - B. Regarding Case 842-V-16 for further division of a 3.39 acre lot in lieu of the required minimum 5 acre lot: the requested variance is 68% of the minimum required, for a variance of 32%.
 - C. Regarding Case 849-V-16 for an average lot width of 193 feet in lieu of the minimum required 200 feet: the requested variance is 97% of the minimum required, for a variance of 3%.
 - D. Regarding Case 842-V-16 for further division of a 3.39 acre lot in lieu of the required minimum 5 acre divisible lot: the Zoning Ordinance does not clearly state the considerations that underlay the restriction on division of lots that are 5 acres or less. This amendment resulted from zoning Case 431-AT-03 Part B and so is related to the County’s desire to limit the number of new lots in the rural areas. The Rural Residential Overlay (RRO) Zoning District is an overlay zoning designation that is the primary method by which Champaign County limits the number of new lots in the rural zoning districts. The RRO District is established using the basic rezoning procedure except that specific considerations are taken into account in approvals for rezoning to the RRO District.

Paragraph 5.4.3 C.1. of the *Zoning Ordinance* requires the Zoning Board of Appeals to consider the following factors in making the required findings:

- (1) Adequacy and safety of roads providing access to the site.
- (2) Effects on drainage both upstream and downstream.
- (3) The suitability of the site for onsite wastewater systems.
- (4) The availability of water supply to the site.
- (5) The availability of emergency services to the site.
- (6) The flood hazard status of the site.
- (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat.
- (8) The presence of nearby natural or man-made hazards.
- (9) Effects on nearby farmland and farm operations.
- (10) Effects of nearby farm operations on the proposed residential development.
- (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.
- (12) The LESA (Land Evaluation and Site Assessment) score of the subject site.

E. Regarding the RRO factors for the subject property:

- (1) Adequacy and safety of roads providing access to the site.
 - a. The Petitioner proposes opening two new access drives on CR 2450 North and closing the existing access drive on US 150.
 - b. The Illinois Department of Transportation's *Manual of Administrative Policies of the Bureau of Local Roads and Streets* is a general design guideline for local road construction using Motor Fuel Tax funding and relate traffic volume to recommended pavement width, shoulder width, and other design considerations. The *Manual* indicates that a local road with a pavement width of 16 feet has a recommended maximum ADT of no more than 150 vehicle trips.
 - c. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). No traffic volume was available for CR 2450 East.
 - d. CR 2450 East is a 16 feet wide rural two-lane road. The road is only 0.5 mile long, connecting CR 1550 North and US 150. There are currently no driveways accessing the road, suggesting a low volume of traffic, likely less than 100 vehicles per day. No significant increase in traffic is expected, and the road capacity appears adequate for handling the increase.
- (2) Effects on drainage both upstream and downstream. The subject property is relatively flat and appears to drain to the northeast toward roadway ditches.
- (3) The suitability of the site for onsite wastewater systems.
 - a. There is no Natural Resource Report for the subject property but the Soil Survey indicates that the subject property likely consists of Sunbury silt loam and Sabina silt loam.

- b. An On-site Soil Evaluation for Septic Filter Field was completed for both proposed lots in April 2016 by Certified Professional Soil Scientist and Soil Classifier Roger D. Windhorn, MS. The analysis suggests that the site has a moderately slow permeability rate and that the septic field location should be protected from encroachment by heavy trucks, fill material, driveways, buildings, etc. The property's well was also shown to be just south of the existing residence.
- (4) The availability of water supply to the site. The subject property has one water well; on the Site Plan received May 11, 2016, one well is indicated for each proposed lot. The proposed subdivision should have little or no effect on water availability.
 - (5) The availability of emergency services to the site. The subject property is approximately 2.1 road miles from the St. Joseph-Stanton Fire Protection District station.
 - (6) The flood hazard status of the site. The subject property is not within the Special Flood Hazard Area.
 - (7) Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat. The subject property contains no historic or archeological sites, and the proposed division would have no effect on such sites.
 - (8) The presence of nearby natural or man-made hazards. There are no known man-made hazards nearby.
 - (9) Effects on nearby farmland and farm operations. The proposed variance and resulting subdivision would technically result in twice the development on the subject property than would be otherwise allowed and would therefore result in twice the impacts on nearby farmland. The requested variance should not have an impact on agricultural operations.
 - (10) Effects of nearby farm operations on the proposed residential development. The proposed variance and resulting subdivision would divide the existing property into two lots, but would not change the level of agricultural operations surrounding the property.
 - (11) The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated. The proposed variance and resulting subdivision do not propose to take any current farmland out of production.
 - (12) The LESA (Land Evaluation and Site Assessment) score of the subject site. Because there is no Natural Resource Report for the subject property, staff has not calculated a LESA score at this time.
- F. Regarding Case 849-V-16 for an average lot width of 193 feet in lieu of the minimum required 200 feet: the Zoning Ordinance does not clearly state the considerations that

underlay the minimum average lot width requirement but it is presumably intended to help ensure the following:

- (1) Adequate average width for sunlight and ventilation; and
- (2) Minimize conflagration of other structures; and
- (3) Adequate space for off-street parking; and
- (4) Adequate area for onsite water wells; and
- (5) Adequate area for appropriate onsite wastewater treatment and disposal with a preference for subsurface seepage systems (leach fields) which are land intensive compared to other systems; and
- (6) Adequate separation between onsite wastewater treatment and disposal systems and water wells that are both on the subject property and on adjacent properties; and
- (7) Generally wide separation between principal structures to allow for overland stormwater flows; and
- (8) Aesthetics with an assumed preference for more open space on rural residential properties.

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. For both Cases 842-V-16 and 849-V-16, the Petitioner has testified on the applications, **“By splitting the existing lot into two lots, it will make it feasible to clean up the existing lot and create two NEW residential structures. It will improve the appearance of the general area and not result in a significant amount of additional traffic or remove any farmland production. It will also create more Tax revenue for the county.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The St. Joseph-Stanton Fire Protection District has been notified of this variance but no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
 - A. For both Cases 842-V-16 and 849-V-16, the Petitioner has testified on the applications, **“If the proposed use is granted it is intended that the current entrance to the property off of Route 150 be moved to CR2450E. This would improve safety as the current**

entrance presents a traffic hazard as traffic on Rt.150 has to slow down shortly after a curve in the road for vehicles entering the property.”

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:

For Case 842-V-16, no special conditions are proposed at this time.

For Case 849-V-16, staff proposes the following special condition:

A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.

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

That the new lots conform to the Illinois Plat Act (765 ILCS 205).

DOCUMENTS OF RECORD

1. Variance Application for Case 842-V-16 received on May 10, 2016, with attachments:
 - A Site Plan received May 11, 2016
 - B Photos of existing property received May 10, 2016
 - C Parcel map received May 10, 2016
 - D On-Site Soil Evaluation for Septic Filter Field completed on April 18, 2016 by Roger Windhorn, MS, for proposed Lots 1 and 2 and received May 10, 2016

2. Resolution Waiving Requirements of Title 11, Subdivision Regulations, approved by the Village of St. Joseph on May 24, 2016 and received May 25, 2016

3. Preliminary Memorandum dated August 4, 2016 with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 11, 2016
 - C Photos of existing property received May 10, 2016
 - D On-Site Soil Evaluation for Septic Filter Field completed on April 18, 2016 by Roger Windhorn, MS, for proposed Lots 1 and 2 and received May 10, 2016
 - E Resolution Waiving Requirements of Title 11, Subdivision Regulations, approved by the Village of St. Joseph on May 24, 2016 and received May 25, 2016
 - F Images of Subject Property taken by staff July 12, 2016
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 4, 2016

FINDINGS OF FACT FOR CASE 842-V-16

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **842-V-16** held on **August 11, 2016**, 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:}**

No special conditions are proposed at this time.

FINDINGS OF FACT CASE 849-V-16

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **849-V-16** held on **August 11, 2016**, 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:}***

For Case 849-V-16, staff proposes the following special condition:

- A. **Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.**

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

That the new lots conform to the Illinois Plat Act (765 ILCS 205).

FINAL DETERMINATION FOR CASE 842-V-16

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 **842-V-16** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner **Richard Behnke** to authorize the following variances in the AG-1 Agriculture Zoning District:

Authorize a variance for a proposed division of a lot 3.39 acres in area in lieu of the minimum required lot area of 5 acres.

{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

FINAL DETERMINATION FOR CASE 849-V-16

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 **849-V-16** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner **Richard Behnke** to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize a variance for a proposed average lot width of 193 feet in lieu of the minimum required average lot width of 200 feet for the north 193 feet of the subject property.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 30 days of approval of Case 849-V-16, a Plat of Survey for at least one of the new lots must be filed with the Recorder of Deeds.**

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

That the new lots conform to the Illinois Plat Act (765 ILCS 205).

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