

CASES 878-V-17 and 882-V-17

PRELIMINARY MEMORANDUM
JULY 26, 2017

Petitioner: **Philip Fiscella**

Request: **Authorize the following Variances in the CR Conservation Recreation Zoning District:**

CASE 878-V-17: Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the required minimum 200 feet, and with a minimum lot area of 0.5 acre in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

CASE 882-V-17: Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of the Zoning Ordinance.

Subject Property: **For Case 878-V-17: the west 150 feet of Lot 9 in Wildwood Acres Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township.**

For Case 882-V-17: the complete Lot 9 in Wildwood Acres Subdivision

Site Area: **Case 878-V-17 = 0.5 acre; Case 882-V-17 = 1.2 acres**

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

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

Petitioner Philip Fiscella purchased the 0.5-acre vacant subject property via tax sale in October 2013. He would like to market the property as a residential property.

Case 882-V-17 is required because the Zoning Ordinance does not allow divisions of lots less than 5 acres in area in the CR District. Case 878-V-17 is required because the lot would have an average lot width of 141 feet in lieu of the minimum required 200 feet, and a lot area of 0.5 acre in lieu of 1 acre in the CR District.

Jones and Sue Brockman have owned the eastern part of Lot 9 since 1997; they have declined to co-sign the variance application because they do not want a house constructed on the west 150 feet of Lot 9.

The subject property has the following ownership history relevant to this case:

- (1) Wildwood Acres Subdivision was platted prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973. Upon adoption of the Zoning Ordinance, the platted lots that were less than 1 acre in area and/or less than 200 feet in average lot width became non-conforming lots of record. Once any lot in the subdivision came under common

- ownership with an adjacent lot, they became either conforming or at least more conforming with the CR Conservation Recreation Zoning District requirements.
- (2) Sometime in 1974, Lot 9 was split in two (without zoning approval) and each part was given a separate tax parcel number.
 - (3) In June of 1997, the East portion of Lot 9 and all of Lot 8 were sold to Jones and Sue Brockman, and the West 150 feet of Lot 9 was sold to Robert Droege. Lot 8 had an existing house and Lot 9 was vacant.
 - a. Lot 8, where the Brockman residence is located, is 39,051 square feet in area. The Brockman’s part of Lot 9 is 30,197 square feet in area. The combined areas make a conforming lot that is 69,248 square feet, or 1.59 acres.
 - b. The minimum required lot size in the CR District is 1 acre with a minimum required average lot width of 200 feet; should the Brockmans decide to sell off part of their land, they need to retain enough land to have at least one acre in area and an average width of 200 feet. The peculiar shape of the Brockman property means that about 55,000 square feet of land is needed to result in an average lot width of 200 feet and therefore the Brockman property is about 14,248 square feet larger than it must be to comply with the Ordinance.
 - c. In order to have a conforming lot without a variance, the petitioner needs an additional 21,780 square feet.
 - (4) In April 2001, Martin Colclasure purchased the West 150 feet of Lot 9 from Robert Droege.
 - (5) Petitioner Fiscella purchased the west 150 feet of Lot 9 in a tax sale on October 25, 2013.
 - (6) The adjacent residents, Jones and Sue Brockman, have declined to sell any additional land to the petitioner.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases. At the time the subdivision was created, the subject property was in Champaign County’s subdivision jurisdiction.

The subject property is located within Newcomb Township, which does have a Planning 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	vacant	CR Conservation Recreation
North	residential	CR Conservation Recreation

Philip Fiscella
July 26, 2017

East	residential	CR Conservation Recreation
West	residential (common ownership with Lot 8 to the north)	CR Conservation Recreation
South	residential	CR Conservation Recreation

PROPOSED SPECIAL CONDITION

For Case 878-V-17:

- A. Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) A variance was granted in Zoning Case 878-V-17 to authorize a lot less than one acre in area.**
 - (2) Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) For further information, interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received May 2, 2017
- C 2014 Aerial Photo of Lots 8 and 9 created by P&Z staff on July 19, 2017
- D Wildwood Acres Subdivision Recorded Plat approved by the Champaign County Board on May 28, 1964
- E Champaign County Tax Maps for Newcomb Township Section 36, 1974 Sidwell Edition, and 1980 Sidwell Edition (revised January 1, 1975)
- F Email from Michael Flanagan (Champaign Urbana Public Health District) received April 11, 2017, with attachment: Soil Evaluation Report
- G Note transcribed by Susan Burgstrom in a meeting with Jones and Sue Brockman on July 13, 2017
- H Images of Subject Property taken July 12-13, 2017
- I Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 3, 2017

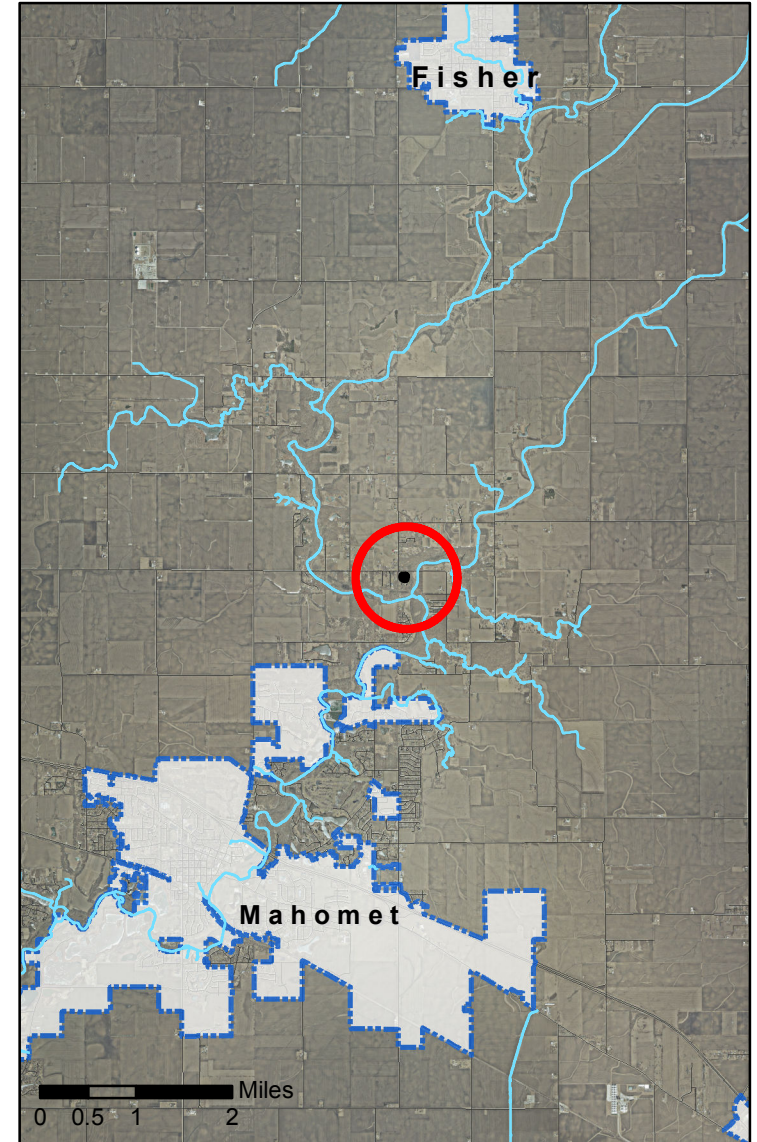
Location Map

Cases 878-V-17 & 882-V-17
August 3, 2017




Subject Property



Property location in Champaign County



Legend

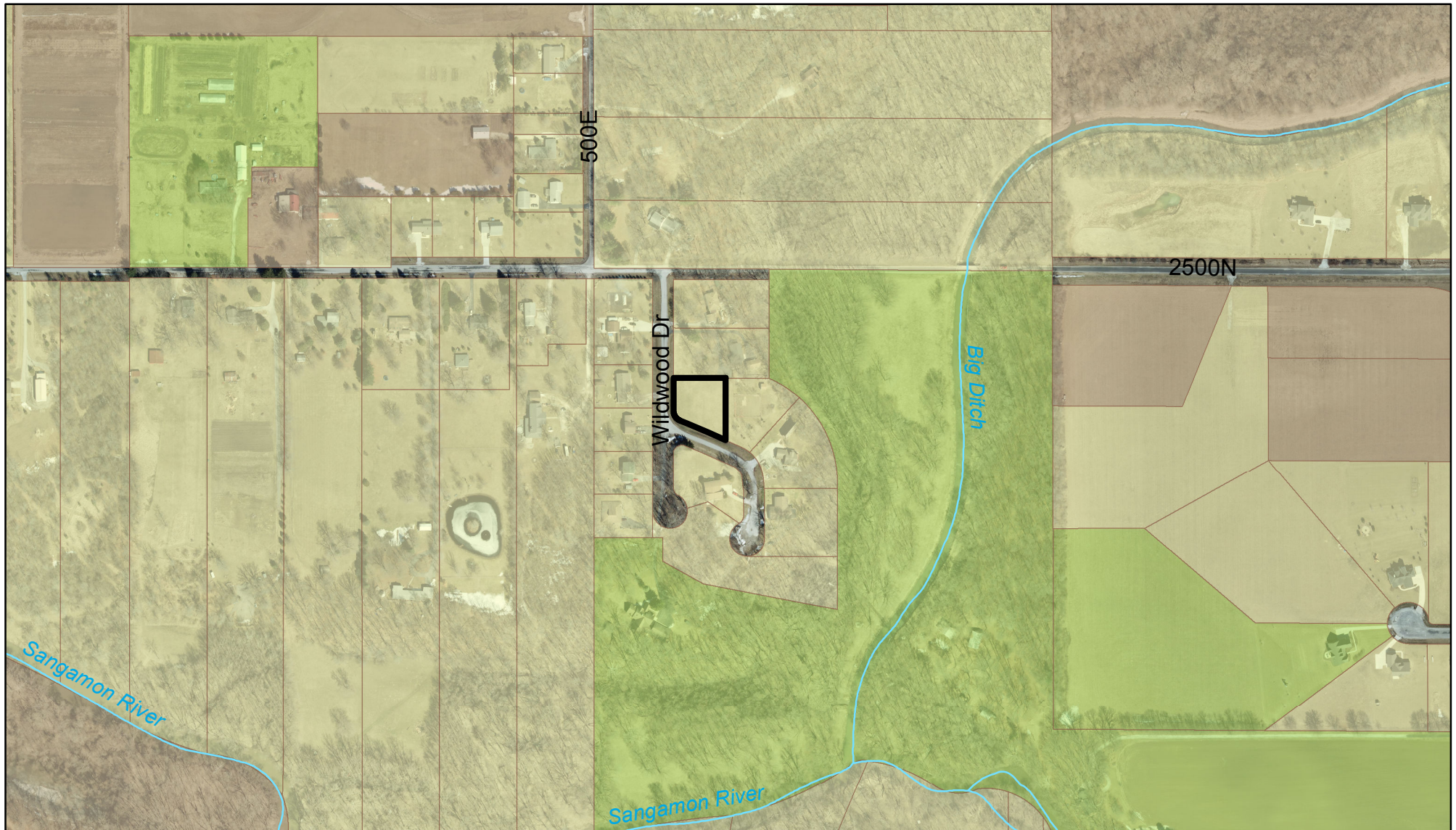
-  Subject Property
-  Municipal Boundary
-  Streams



Champaign County
Department of
PLANNING &
ZONING

Land Use Map

Cases 878-V-17 & 882-V-17
August 3, 2017



Legend

- Subject Property
- Streams
- Parcels
- Residential
- Ag/Single Family
- Agriculture

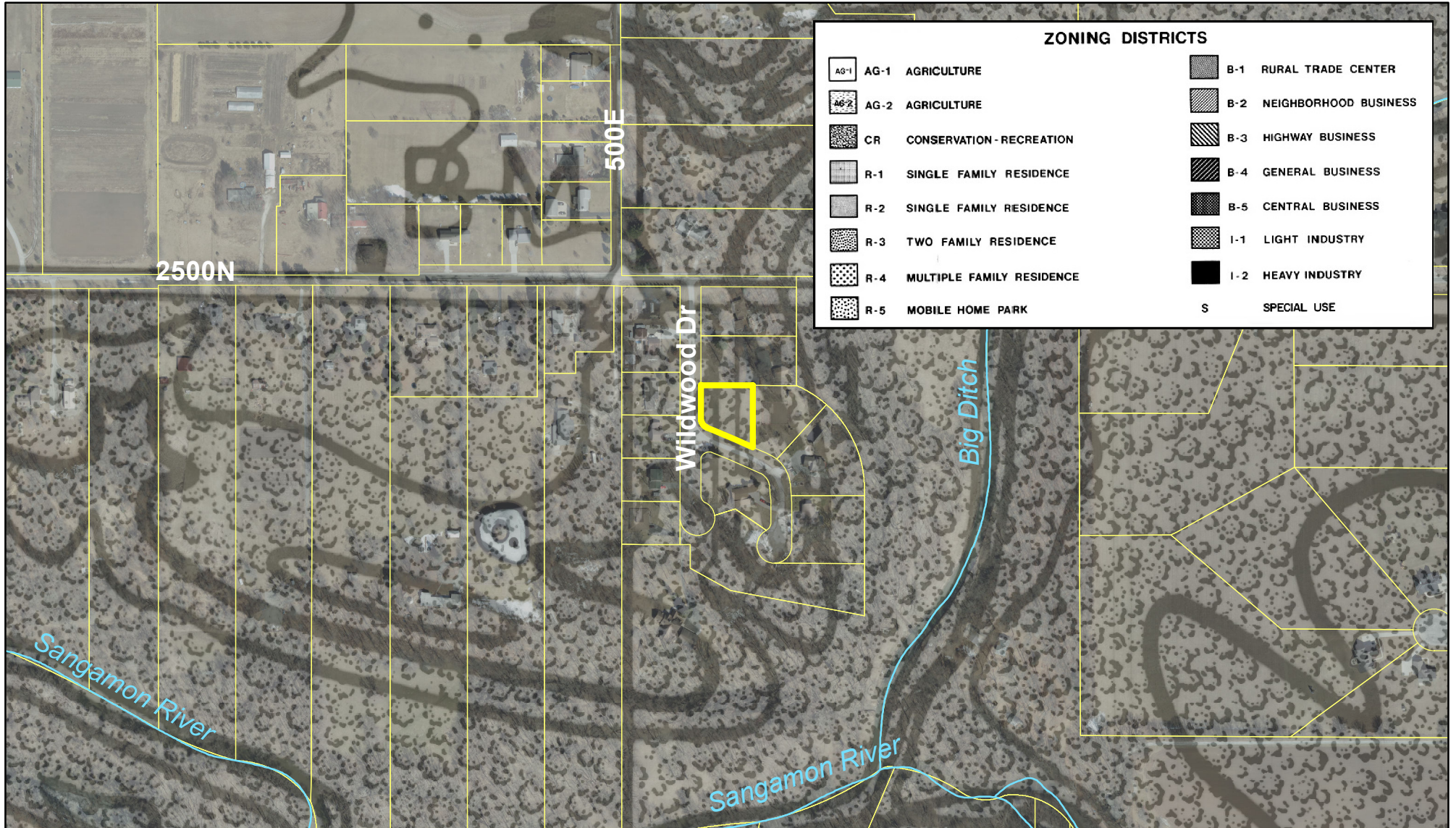
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Champaign County
Department of
PLANNING &
ZONING

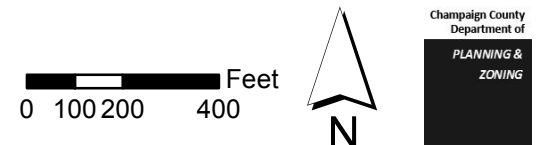
Zoning Map

Cases 878-V-17 & 882-V-17
August 3, 2017



Legend

-  Subject Property
-  Parcels
-  Streams



275.00

Wildwood Dr

Leach Field
32'x32'

25' Backyard

Septic Tank

House
60'x32'

Garage
25'x25'

15'

Wildwood Acres

102-003

R-25

187.87

Well

60

R-25

30

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MAY 02 2017



747
CHAMPAIGN CO. P & Z DEPARTMENT

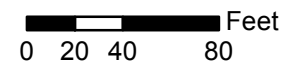
2014 Aerial Photo - Lots 8 and 9

Cases 878-V-17 and 882-V-17
August 3, 2017



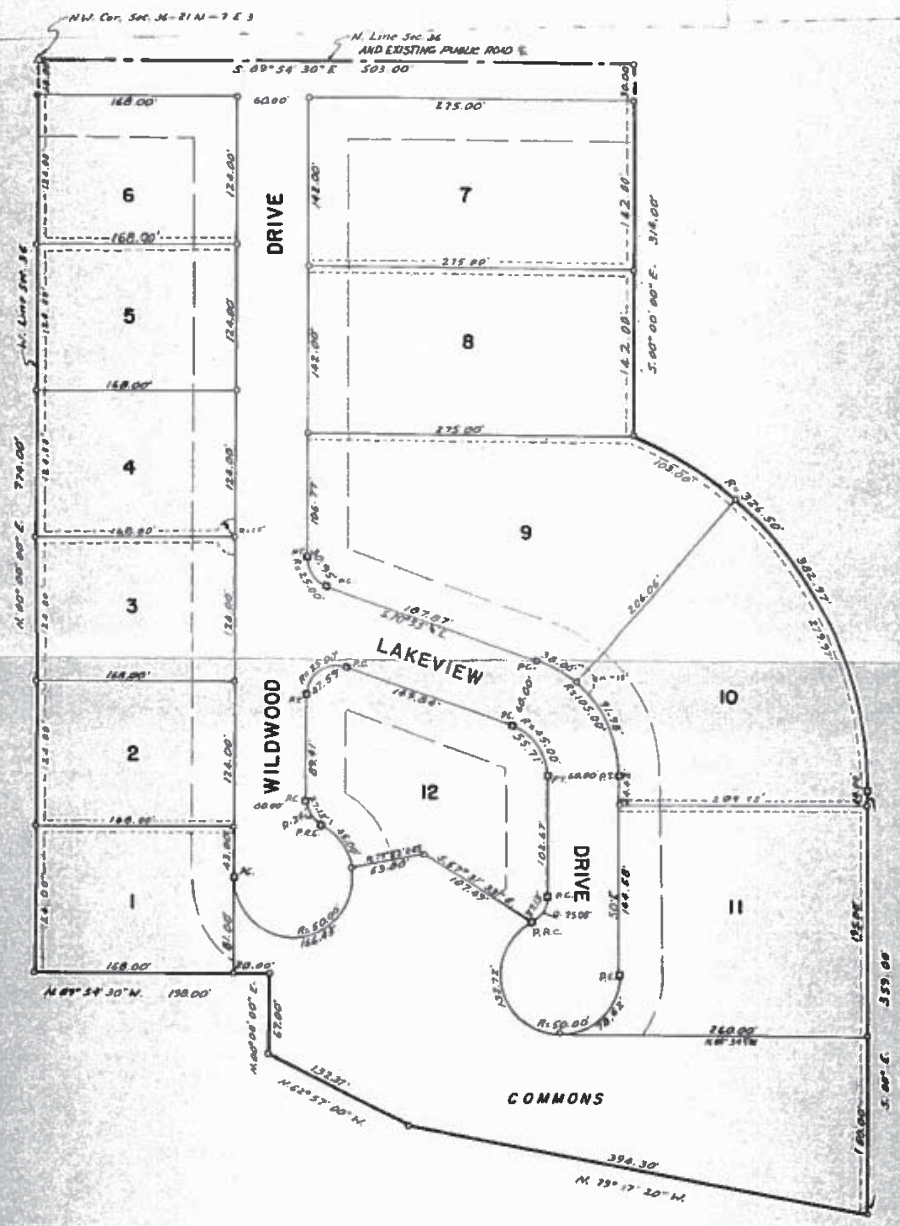
Legend

-  Subject Property
-  Parcels



WILDWOOD ACRES

A SUBDIVISION IN CHAMPAIGN COUNTY, ILLINOIS



LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, PROCEED EASTERLY ALONG THE NORTH LINE OF SECTION 26, BEARING AN ASSURED BEARING OF SOUTH 02°54'30" EAST 503.00 FEET; THENCE SOUTH OF EAST 214.00 FEET; THENCE NARS 4° TO THE POINT, BEARING A BEARING OF SOUTH 02°54'30" EAST 503.00 FEET; THENCE SOUTH OF EAST 214.00 FEET; THENCE SOUTH 70°30' WEST 204.30 FEET; THENCE SOUTH 65°50' WEST 152.77 FEET; THENCE SOUTH OF EAST 07°50' FEET; THENCE SOUTH 04°20' WEST 100.00 FEET TO THE WEST LINE OF SECTION 26; THENCE NORTH OF EAST ALONG THE WEST LINE OF SECTION 26, 770.00 FEET TO THE POINT OF BEGINNING.

APPROVED

THE PLAT COMMITTEE OF THE BOARD OF SUPERVISORS OF CHAMPAIGN COUNTY, ILLINOIS

[Signature]

[Signature]

[Signature]

DATE: *11/13/2011*

LEGEND

○ SLOTTED FROM PIPE MONUMENT SET THIS SURVEY
 □ SLOTTED FROM PIPE MONUMENT SET IN CONCRETE THIS SURVEY
 T DENOTES TANGENT DISTANCE
 V DENOTES VARIOUS DISTANCE
 P.T. DENOTES POINT OF TANGENT
 P.C. DENOTES POINT OF CURVE
 P.R.C. DENOTES POINT OF REVERSE CURVE
 --- DENOTES BUILDING SET BACK LINE
 --- DENOTES EASEMENT FOR PUBLIC UTILITIES
 ALL SIDING SET BACK LINES ARE 20 FEET UNLESS OTHERWISE INDICATED
 ALL EASEMENTS ARE 5 FEET UNLESS OTHERWISE INDICATED
 LOT DIMENSIONS SHOWN ARE MEASUREMENTS BETWEEN ADJACENT MONUMENTS
 ALL DISTANCES ALONG CURVES ARE ARC MEASUREMENTS
 ALL SIDE LOT LINES ARE MEASURED TO THE POINT OF CURVE UNLESS OTHERWISE INDICATED
 ALL MEASUREMENTS SET THIS SURVEY SET BACK WITH 2" DIAMETER GALVANIZED IRON PIPES 1942

SCALE: 1" = 50'

Owner - Harold Nadler

GODDELL ENGINEERING ASSOCIATES

[Signature]

27 JEFFERSON STREET
 CHAMPAIGN, ILLINOIS 62824
 NOVEMBER 27, 2014

Note:
 A part of the property covered by this plat or subdivision is offsetted within 500 feet of a watercourse serving a tributary area of one acre or more.
 This subdivision is more than 10 miles outside of the limits of a municipality.

1974 Sidwell Tax Map

Copyright 1974
THE SIDWELL COMPANY

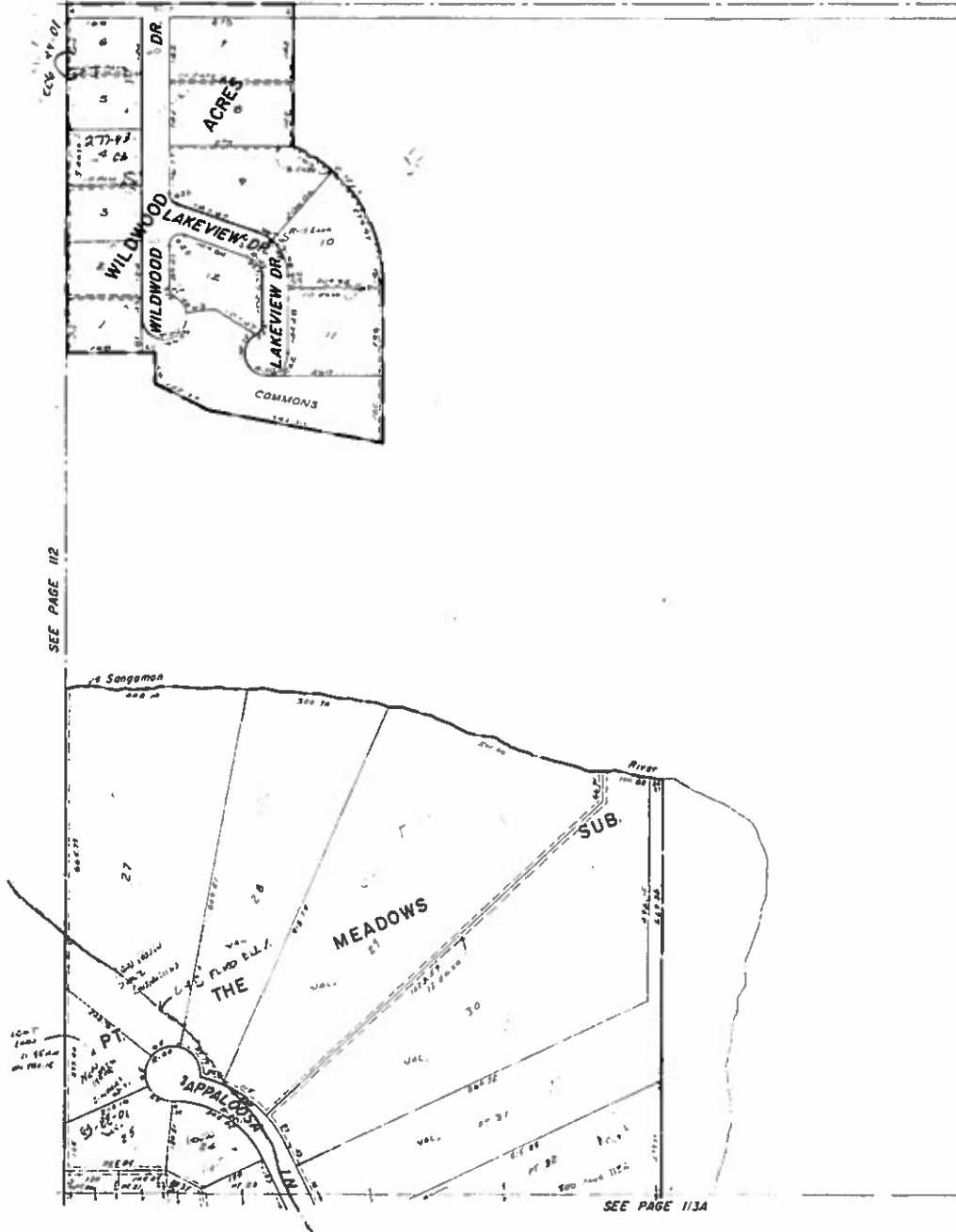
NEWCOMB TWP.

113

NW 1/4 SEC. 36

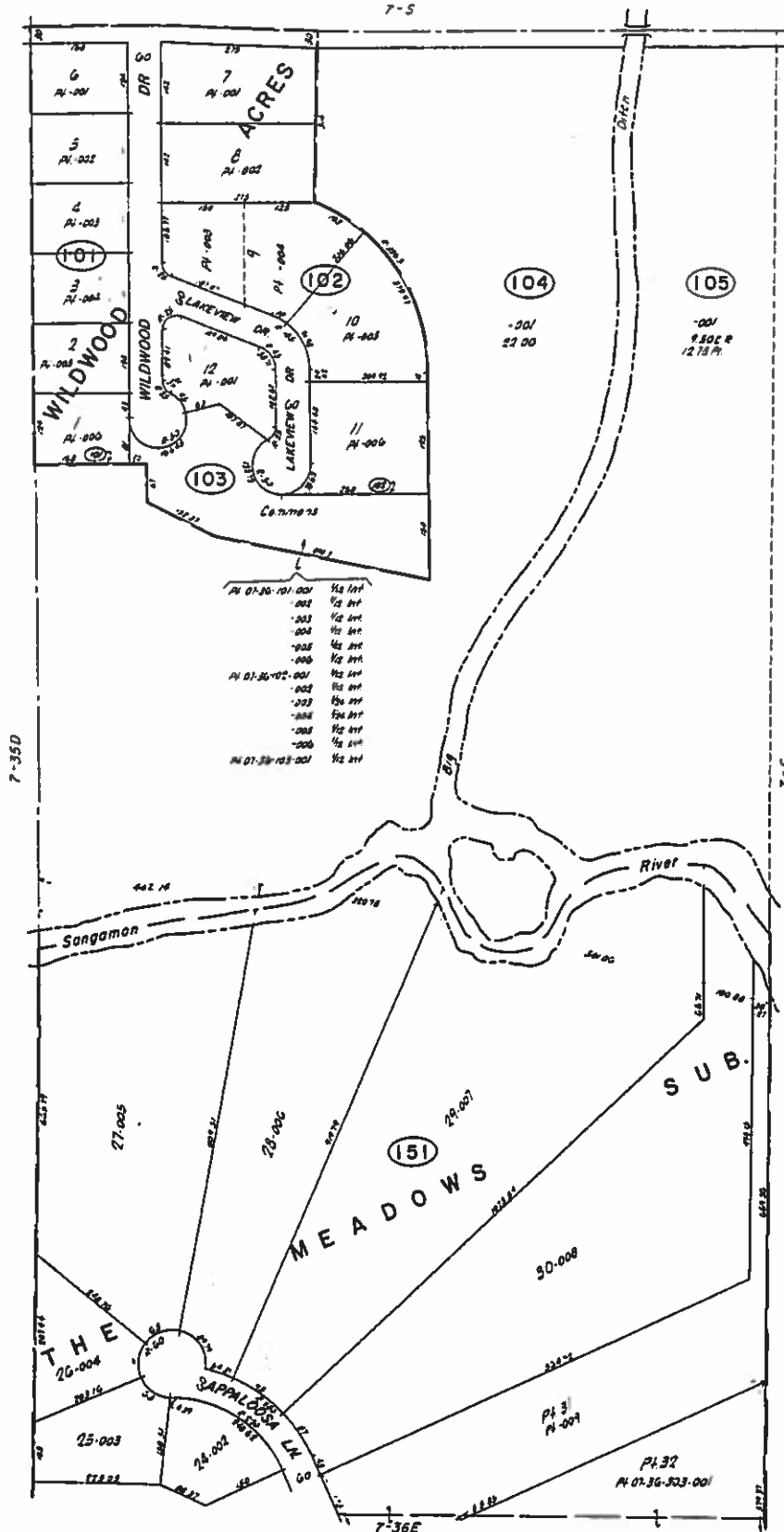
SCALE 200 FT TO 1 INCH F21N R7E OF THE 3RD PM

SEE PAGE 170



1980 Sidwell Tax Map, revised 01/01/1975

Revised Jan. 1, 1975



Copyright 1975 THE SIDWELL COMPANY

SCALE 1" = 100'

7-36A

NEWCOMB TWP.

W. 1/2 N.W. 1/4 SEC. 36 T. 21 N. R. 7 E.



Philip Fiscella <fiscella@gmail.com>

Soil Evaluation report

Michael Flanagan <mflanagan@c-uphd.org>

Tue, Apr 11, 2017 at 1:58 PM

To: "fiscella@gmail.com" <fiscella@gmail.com>

Cc: Shannon Loyd <SLoyd@c-uphd.org>, Connie Berry <cberry@co.champaign.il.us>

Mr. Fiscella,

I reviewed the soil evaluation performed by Galen Litwiller for the property located at the intersection of Wildwood Dr. and Lakeview Dr. Mahomet IL. A private septic system for this property would be designed at 325 square feet of leach field per bedroom. Based on commonly used technology that equates to 195 linear feet of leach field in at least two separate runs with a 1000 gallon septic tank preceding the field. A well located on this property would be required to be placed minimum of 75 feet from the leach field and 50 feet from the septic tank. For a lot sized at 1/2 acre I see no reason that a septic system and well could not be installed at this location. Attention to placement of the system and the protection of the site would be required as to not disturb the soils from compaction or removal. If you have any questions please contact me at [217-531-2908](tel:217-531-2908).

v/r

Michael Flanagan
Champaign Urbana Public Health District
Non-Food Program Coordinator

From: fiscella@gmail.com [fiscella@gmail.com]**Sent:** Monday, April 10, 2017 9:04 AM**To:** Michael Flanagan

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RECEIVED

APR 11 2017

CHAMPAIGN CO. P & Z DEPARTMENT

SOIL EVALUATION REPORT

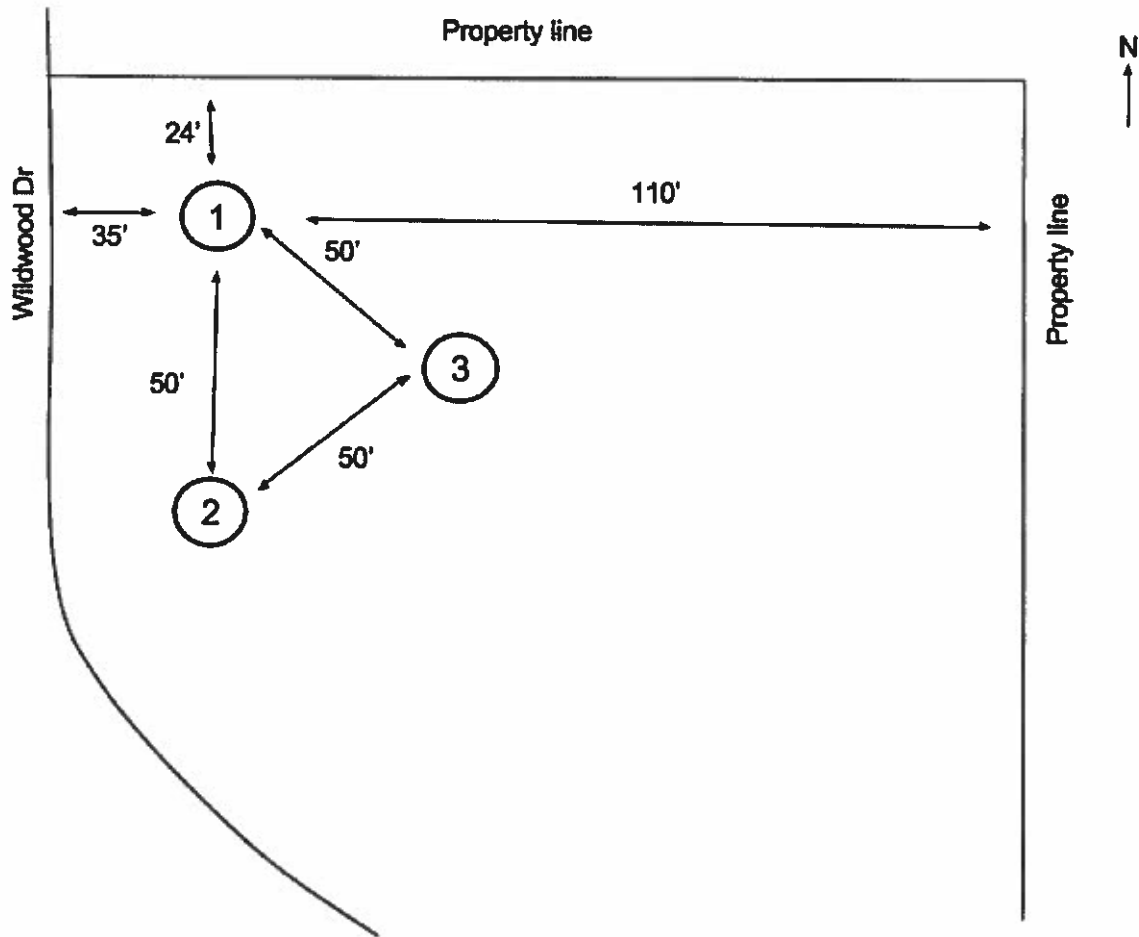
In accordance with 77 Administrative Code, Chapter 1, Subchapter r, Section 90

Report No. 56-Cha033117

Date: Mar 31, 2017

Cases 878-V-17/882-V-17, ZBA 08/03/17, Attachment F Page 2 of 5

Not to scale



Soil Evaluation Report

In accordance with 77 Administrative Code, Chapter 1, Subchapter r, Section 90

Report No. 56-Cha033117

Date: Mar 31, 2017

Cases 878-V-17/882-V-17, ZBA 08/03/17, Attachment F Page 3 of 5

Report prepared for: Phil Fiscella, email: fiscella@gmail.com

Prepared by Galen Litwiller, Certified Soil Classifier, ISCA #79, Ph 217 898-3946

Location: At the intersection of Wildwood Dr and Lakeview Dr, Mahomet, IL
Sct 36, T.21N, R.7E
Champaign County, IL
Lat. 40.2366, Lon. 88.3643
Soil Survey Sheet No. 42

Comments: Empty lot in Wildwood Subdivision. Pin 16-07-36-102-003. No well on property.

Site No. 1

Lower Depth (in)	Horizon	Texture	Color of Matrix	Color of Mottles	Structure	Consistence	Loading Rate G/D/FT2	Resident Req Abs Ft2/ bdr
4	A	SIL	10YR4/2		1-M-GR	FR	0.69	290
8	E	SIL	10YR5/3		1-M-PL	FR	0.62	325
13	BE	SIL	10YR5/4		2-M-SBK	FR	0.75	265
30	Bt1	SICL	10YR5/4		2-M-SBK	FR	0.62	325
35	Bt2	SICL	10YR5/4	10YR5/2	2-M-SBK	FR	0.62	325
54	2Bt3	L	10YR5/4	10YR5/2	2-M-SBK	FI	0.52	385
60	2Bt4	L	10YR5/4	10YR5/2	1-M-SBK	FI	0.40	500

Depth to dense till: >60"

Seasonal High Water Table: 30"

Physiography: Till plain/Summit

Parent Material: Loess over glacial till

Slope: 1%

Direction: South

Soil Name: Xenia silt loam

Drainage Class: Moderately Well Drained

SOIL EVALUATION REPORT

In accordance with 77 Administrative Code, Chapter 1, Subchapter r, Section 90

Report No. 56-Cha033117

Date: Mar 31, 2017

Cases 878-V-17/882-V-17, ZBA 08/03/17, Attachment F Page 4 of 5

Site No. 2

Page 2

Lower Depth (in)	Horizon	Texture	Color of Matrix	Color of Mottles	Structure	Consistence	Loading Rate G/D/FT2	Resident Req Abs Ft2/ bdr
5	A	SIL	10YR4/2		1-M-GR	FR	0.69	290
9	E	SIL	10YR5/3		1-M-PL	FR	0.62	325
15	BE	SIL	10YR5/4		2-M-SBK	FR	0.75	265
24	Bt1	SICL	10YR5/4		2-M-SBK	FR	0.62	325
38	Bt2	SICL	10YR5/4	10YR5/2	2-M-SBK	FR	0.62	325
55	2Bt3	L	10YR5/4	10YR5/2	2-M-SBK	FI	0.52	385
60	2Bt4	L	10YR5/4	10YR5/2	1-M-SBK	FI	0.40	500

Depth to dense till: >60"

Slope: 1%

Seasonal High Water Table: 24"

Direction: South

Physiography: Till plain/Summit

Soil Name: Xenia silt loam

Parent Material: Loess over glacial till

Drainage Class: Moderately Well Drained

Site No. 3

Lower Depth (in)	Horizon	Texture	Color of Matrix	Color of Mottles	Structure	Consistence	Loading Rate G/D/FT2	Resident Req Abs Ft2/ bdr
5	A	SIL	10YR4/2		1-M-GR	FR	0.69	290
10	E	SIL	10YR5/3		1-M-PL	FR	0.62	325
16	BE	SIL	10YR5/4		2-M-SBK	FR	0.75	265
26	Bt1	SICL	10YR5/4		2-M-SBK	FR	0.62	325
37	Bt2	SICL	10YR5/4	10YR5/2	2-M-SBK	FR	0.62	325
54	2Bt3	L	10YR5/4	10YR5/2	2-M-SBK	FI	0.52	385
60	2Bt4	L	10YR5/4	10YR5/2	1-M-SBK	FI	0.40	500

Depth to dense till: >60"

Slope: 1%

Seasonal High Water Table: 26"

Direction: South

Physiography: Till Plain/summit

Soil Name: Xenia silt loam

Parent Material: Loess over glacial till

Drainage Class: Moderately Well Drained

SOIL EVALUATION REPORT

In accordance with 77 Administrative Code, Chapter 1, Subchapter r, Section 90

Report No. 56-Cha033117

Date: Mar 31, 2017

Cases 878-V-17/882-V-17, ZBA 08/03/17, Attachment F Page 5 of 5

Soil Summary

For Phil Fiscella, Wildwood Subdivision, Mahomet, IL:

I arrived at the site on Friday March 31, 2017. The soils were examined to evaluate soil characteristics such as color, texture, structure, and firmness or friability that are used to determine the potential for siting a subsurface septic disposal system. Attached are detailed descriptions of soil cores taken at three locations (see map).

The soils are naturally moderately well drained. The area is nearly level and surface water runoff is slow. The soils have moderately expressed structure. Permeability is moderate in the solum. The soils have a loading rate of 0.52 gallons/square foot/day. This places indicates 385 square feet of absorption area is needed per bedroom and a minimum separation of two feet is required between the bottom of the subsurface seepage system and the top of the most limiting layer.

The most limiting layer is a potential seasonal water table at a depth of 24 inches. This is indicated by the gray soil color mixed with brown soil colors below depths of 24 inches. There is no zone of permanent wetness within 5 feet of the surface. A seasonal water table is often observed in these soils (normally during late winter and in the spring months) at a depth of 2 to 3. The water table may be lowered with subsurface tile drains providing there is a suitable outlet.

Galen Litwiller, Certified Professional Soil Scientist, ISCA #79

7/13/17

- We are opposed to having a house built on Mr. Fiscella's property.
- We appreciate the view we have from our house.
- The back of a house built on Mr. Fiscella's property would be too close to our front yard and southside.
- Neighbors on Lot 10 have taken care of Mr. Fiscella's area, plantings for at least 3 years.
- Mr. Fiscella told us that he plans to put a modular home on the property. We are especially opposed to having a trailer placed on the property.

M. Sue Brockman
James R. Brockman

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JUL 13 2017

CHAMPAIGN CO. P & Z DEPARTMENT

878-V-17 and 882-V-17 Site Images



Subject property on right, from Lakeview Drive facing north



Subject property from intersection of Wildwood Drive and Lakeview Drive

878-V-17 and 882-V-17 Site Images



Subject property from Lot 10 on Lakeview Drive, facing northwest



Wildwood Drive from intersection with Lakeview Drive, facing north

878-V-17 and 882-V-17 Site Images



Subject property from Lot 8 (Brockman front yard) facing southwest



Brockman residence (Lot 8) from subject property, facing northeast

PRELIMINARY DRAFT

878-V-17 and 882-V-17

**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 3, 2017}***

Petitioner: Philip Fiscella

Request: Authorize the following Variance in the CR Conservation Recreation Zoning District:

CASE 878-V-17: Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the required minimum 200 feet, and with a minimum lot area of 0.5 acre in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

CASE 882-V-17: Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of the Zoning Ordinance.

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Case 882-V-17 Final Determination 17

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 3, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Philip Fiscella owns the west 150 of Lot 9 in Wildwood Acres Subdivision, which is the subject property for Case 878-V-17. Jones and Sue Brockman own the eastern part of Lot 9; they have declined to co-sign the variance application.
2. The subject property for Case 878-V-17 is the west 150 feet of Lot 9 in Wildwood Acres Subdivision in Section 36, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb Township. The subject property for Case 882-V-17 is the complete Lot 9 in Wildwood Acres Subdivision.
 - A. The west 150 feet of Lot 9 was divided out sometime in 1974, according to Champaign County Sidwell Tax Maps. The west 150 feet of Lot 9 is not a good zoning lot and no use or construction can be authorized on that lot unless the Champaign County Zoning Board of Appeals authorizes a variance, or the petitioner purchases additional land.
 - B. The adjacent residents who own the east part of Lot 9 and all of Lot 8 have declined to sell any additional land to the petitioner.
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 Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - (1) At the time the subdivision was created, the subject property was in Champaign County's subdivision jurisdiction.
 - B. The subject property is located within Newcomb Township, which does have a Planning 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 878-V-17 is a 0.5 acre vacant proposed lot and is currently zoned CR Conservation Recreation.
 - B. The subject property for Case 882-V-17 is the 1.2 acre Lot 9; its east 0.7 acre is in common ownership with Lot 8 to the north, is currently zoned CR Conservation Recreation, and is in use as a garden for the residents on Lot 8.
 - C. Land surrounding the subject property is zoned CR Conservation Recreation and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan of the subject site:
 - A. The Petitioner's Site Plan, received May 2, 2017, indicates the following proposed conditions:

- (1) A 60 feet by 32 feet house;
 - (2) A 25 feet by 25 feet attached garage;
 - (3) A septic tank west of the house and leach field in the northwest corner of the subject property.
 - a. In an email received April 11, 2017, Michael Flanagan of Champaign-Urbana Public Health District stated, "For a lot sized at ½ acre, I see no reason that a septic system and well could not be installed at this location. Attention to placement of the system and the protection of the site would be required as to not disturb the soils from compaction or removal."
 - b. Mr. Flanagan assumed use of a 1,000 gallon septic tank for the property, which is the size of tank used for a 3 bedroom residence.
 - c. P&Z Staff reviewed whether the subject property has room for a reserve septic field, and it appears that there is sufficient area for a reserve system.
- B. There are no previous Zoning Use Permits on the subject property; however, the following history of the lot is relevant:
- (1) Wildwood Acres Subdivision was platted prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973. Upon adoption of the Zoning Ordinance, the platted lots that were less than 1 acre in area and/or less than 200 feet in average lot width became non-conforming lots of record. Once any lot in the subdivision came under common ownership with an adjacent lot, they became either conforming or at least more conforming with the CR Conservation Recreation Zoning District requirements.
 - (2) Sometime in 1974, Lot 9 was split in two (without zoning approval) and each part was given a separate tax parcel number.
 - (3) In June of 1997, the East portion of Lot 9 and all of Lot 8 were sold to Jones and Sue Brockman, and the West 150 feet of Lot 9 was sold to Robert Droege. Lot 8 had an existing house and Lot 9 was vacant.
 - a. Lot 8, where the Brockman residence is located, is 39,051 square feet in area. The Brockman's part of Lot 9 is 30,197 square feet in area. The combined areas make a conforming lot that is 69,248 square feet, or 1.59 acres.
 - b. The minimum required lot size in the CR District is 1 acre with a minimum required average lot width of 200 feet; should the Brockmans decide to sell off part of their land, they need to retain enough land to have at least one acre in area and an average width of 200 feet. The peculiar shape of the Brockman property means that about 55,000 square feet of land is needed to result in an average lot width of 200 feet and therefore the Brockman property is about 14,248 square feet larger than it must be to comply with the Ordinance.
 - c. In order to have a conforming lot without a variance, the petitioner needs an additional 21,780 square feet.

- (4) In April 2001, Martin Colclasure purchased the West 150 feet of Lot 9 from Robert Droege.
 - (5) Mr. Fiscella purchased the west 150 feet of Lot 9 in a tax sale on October 25, 2013.
 - (6) The adjacent residents, Jones and Sue Brockman, have declined to sell any additional land to the petitioner.
- C. The required variances are as follows:
- (1) Case 882-V-17: Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of the Zoning Ordinance.
 - (2) Case 878-V-17: Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the required minimum 200 feet, and with a minimum lot area of 0.5 acre in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

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) “AREA, LOT” is the total area within the LOT LINES.
 - (2) “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.
 - (3) “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.
 - (4) “LOT, CORNER” is a LOT located:
 - a. at the junction of and abutting two or more intersecting STREETS; or
 - b. at the junction of and abutting a STREET and the nearest shoreline or high water line of a storm of floodwater runoff channel or basin; or
 - c. at and abutting the point of abrupt change of a single STREET where the interior angle is less than 135 degrees and the radius of the STREET is less than 100 feet.
 - (5) “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.
 - (6) “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.

- (7) “LOT LINES” are the lines bounding a LOT.
- (8) “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.
- (9) “NONCONFORMING LOT, STRUCTURE, OR USE” is a LOT, SIGN, STRUCTURE, or USE which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “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.
- (12) “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.
- (13) “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 CR, Conservation-Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
- 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.

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- 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.
- E. Section 4.3.4 G. requires that lots created after June 22, 1999 in the AG-1, AG-2, and CR Districts shall conform to the requirements of Subsection 5.4.
- (1) Subsection 5.4: Rural Residential Overlay Zoning District specifies in paragraph 5.4.1. that “No building shall be constructed upon a lot in the AG-1, AG-2, or CR District that was not created in conformance with this Section.”
 - (2) Paragraph 5.4.2. lists the exemptions to requiring a Rural Residential Overlay; part 5.4.2 A.3. allows an exemption for dividing a lot no smaller than 5 acres.
 - a. The proposed variance for a division of a lot less than 5 acres in area would allow for the creation of the proposed 0.5 acre lot without requiring a Rural Residential Overlay.
- F. Minimum average lot width in the CR Conservation Recreation District is established in Section 5.3 of the Zoning Ordinance as 200 feet.
- G. Minimum lot size in the CR Conservation Recreation District is established in Section 5.3 of the Zoning Ordinance as 1 acre.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application:
 - (1) **“This subdivision was created before zoning, and the vast majority of lots currently developed with homes in the subdivision are smaller than the parcel in question. The variance will not create a home that is out of character in the subdivision.”**
 - (2) **“The streets in question have minimal traffic (Wildwood is, in fact, basically a driveway only one car in width to the south of the parcel in question). Traffic speeds are slow, and there is no additional hazard created by allowing a small reduction in the sight triangle on this corner.”**
 - (3) **“If desired, applicant is willing to compensate the Newcomb Township Supervisor for the cost of installing and maintaining Stop or Yield signs at this intersection.”**

- B. The subject property has the following ownership history relevant to this case:
- (1) Wildwood Acres Subdivision was platted prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973. Upon adoption of the Zoning Ordinance, the platted lots that were less than 1 acre in area and/or less than 200 feet in average lot width became non-conforming lots of record. Once any lot in the subdivision came under common ownership with an adjacent lot, they became either conforming or at least more conforming with the CR Conservation Recreation Zoning District requirements.
 - (2) Sometime in 1974, Lot 9 was split in two (without zoning approval) and each part was given a separate tax parcel number.
 - (3) In June of 1997, the East portion of Lot 9 and all of Lot 8 were sold to Jones and Sue Brockman, and the West 150 feet of Lot 9 was sold to Robert Droege. Lot 8 had an existing house and Lot 9 was vacant.
 - a. Lot 8, where the Brockman residence is located, is 39,051 square feet in area. The Brockman's part of Lot 9 is 30,197 square feet in area. The combined areas make a conforming lot that is 69,248 square feet, or 1.59 acres.
 - b. The minimum required lot size in the CR District is 1 acre with a minimum required average lot width of 200 feet; should the Brockmans decide to sell off part of their land, they need to retain enough land to have at least one acre in area and an average width of 200 feet. The peculiar shape of the Brockman property means that about 55,000 square feet of land is needed to result in an average lot width of 200 feet and therefore the Brockman property is about 14,248 square feet larger than it must be to comply with the Ordinance.
 - c. In order to have a conforming lot without a variance, the petitioner needs an additional 21,780 square feet.
 - (4) In April 2001, Martin Colclasure purchased the West 150 feet of Lot 9 from Robert Droege.
 - (5) Mr. Fiscella purchased the west 150 feet of Lot 9 in a tax sale on October 25, 2013.
 - (6) The adjacent residents, Jones and Sue Brockman, have declined to sell any additional land to the petitioner.

GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“Under the strict letter of the regulations, there will be NO legal use for the parcel in question. The owner of the neighboring two parcels has stated unequivocally that his property is not for sale, and that he has no interest in acquiring the property in question.”**
 - B. Without the proposed variance, the Petitioner would be unable to build a new house or other structure requiring a Zoning Use Permit.

GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“The applicant acquired the property from the county via a tax sale. Applicant was unaware at the time that the lot did not conform to zoning, and was surprised to find out that this parcel is, due to the new zoning regulations, too small to build on.”**
 - B. The 1 acre minimum lot size and 200 feet average lot width requirements have been a part of the *Zoning Ordinance* since its adoption on October 10, 1973.
 - C. Item 7.B. summarizes ownership history that is relevant to this variance criterion.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“The parcel in question is located in the CR district. The entirety of the parcel in question is located above the FEMA 500 Year Base Flood Elevation, and development of a single family home on this parcel should not conflict with the stated purpose of the district. Namely, the ‘restriction of development in areas subject to frequent or periodic Flooding’. The parcel in question is seeded with grass, mowed, and is, in the opinion of the applicant, neither particularly natural nor scenic. The parcel is 660 feet from the nearest stream, and is not visible from the waterway. The parcel in question is landlocked, located in a developed subdivision, and has no practical agricultural value. The highest and best use for the property is most certainly as the location of a quality single family residence.”**
 - B. Regarding the proposed Variance for a division of a lot less than 5 acres, the creation of a 0.5 acre lot does not meet the minimum requirement, for a variance of 100%.
 - C. Regarding the proposed Variance for an average lot width of 141 feet in lieu of the minimum required 200 feet: the requested variance is 70.5% of the minimum required, for a variance of 29.5%.
 - D. Regarding the proposed Variance for a lot that is 0.5 acres in lieu of the minimum required 1 acre in the CR District, the lot is 50% of the minimum required, for a variance of 50%.
 - E. Regarding the division of a lot less than 5 acres:
 - (1) Paragraph 4.3.4 G. requires that lots created after June 22, 1999, in the AG-1, AG-2, and CR Districts shall conform to the requirements of Subsection 5.4.
 - a. Subsection 5.4: Rural Residential Overlay Zoning District specifies in paragraph 5.4.1. that “No building shall be constructed upon a lot in the AG-1, AG-2, or CR District that was not created in conformance with this Section.”

- b. Paragraph 5.4.2. lists the exemptions to requiring a Rural Residential Overlay; part 5.4.2 A.3. allows an exemption for dividing a lot no smaller than 5 acres.
- (a) The proposed variance for a division of a lot less than 5 acres in area would allow for the creation of the proposed 0.5 acre lot without requiring a Rural Residential Overlay.
- (2) The Zoning Ordinance does not clearly state the considerations that underlie 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:
- a. Adequacy and safety of roads providing access to the site.
 - b. Effects on drainage both upstream and downstream.
 - c. The suitability of the site for onsite wastewater systems.
 - d. The availability of water supply to the site.
 - e. The availability of emergency services to the site.
 - f. The flood hazard status of the site.
 - g. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat.
 - h. The presence of nearby natural or man-made hazards.
 - i. Effects on nearby farmland and farm operations.
 - j. Effects of nearby farm operations on the proposed residential development.
 - k. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated.
 - l. The LESA (Land Evaluation and Site Assessment) score of the subject site.
- (3) Regarding the RRO factors for the subject property:
- a. Adequacy and safety of roads providing access to the site.
 - (a) The Petitioner proposes a new driveway opening south onto Lakeview Drive, which is approximately 12 feet wide in a 60 feet wide right-of-way.
 - (b) 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 the two roads in the subdivision.
 - (c) CR 2500 North adjacent to the subdivision is an approximately 18 feet wide rural two-lane road. The ADT for CR 2500N was 750 in 2016.
 - (d) The addition of one residence to the subdivision would be unlikely to diminish traffic safety on area roads.

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- b. Effects on drainage both upstream and downstream. The subject property is relatively flat and appears to drain to the east toward the Big Ditch and then to the Sangamon River.
- c. The suitability of the site for onsite wastewater systems.
 - (a) An On-site Soil Evaluation for Septic Filter Field was completed for the subject property on March 31, 2017, by Certified Professional Soil Scientist and Soil Classifier Galen Litwiller. The analysis suggests that the soils on the site are naturally moderately well drained. The area is nearly level and surface water runoff is slow.
 - (b) In an email received April 11, 2017, Michael Flanagan of Champaign-Urbana Public Health District stated, “For a lot sized at ½ acre, I see no reason that a septic system and well could not be installed at this location. Attention to placement of the system and the protection of the site would be required as to not disturb the soils from compaction or removal.”
- d. The availability of water supply to the site. The subject property does not have a well; the petitioner proposes a well located in the southeastern part of the subject property.
- e. The availability of emergency services to the site. The subject property is approximately 4.7 road miles from the Cornbelt Fire Protection District station in Mahomet.
- f. The flood hazard status of the site. The subject property is not within the Special Flood Hazard Area.
- g. Effects on wetlands, historic or archeological sites, natural or scenic areas or wildlife habitat. The subject property contains no historic, natural, or archeological sites, and the proposed division would have no effect on such sites.
- h. The presence of nearby natural or man-made hazards. There are no known man-made hazards nearby.
- i. Effects on nearby farmland and farm operations. The proposed variance should not have an impact on agricultural operations.
- j. Effects of nearby farm operations on the proposed residential development. The proposed variance would not change the level of agricultural operations surrounding the property.
- k. The amount of land to be converted from agricultural uses versus the number of dwelling units to be accommodated. The proposed variance will not remove any land from agricultural production.

1. The LESA (Land Evaluation and Site Assessment) score of the subject site. The subject property is part of an established subdivision that has not been in agricultural production since the 1960s. No LESA analysis is necessary.
- F. Regarding the minimum required lot area and average lot width:
- (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the CR District has always required a minimum lot area of one acre and a minimum average lot width of 200 feet.
 - (2) The proposed minimum lot requirements are less than what Section 4.3.4 B. of the Zoning Ordinance would require for a new lot in the AG-2 District without a connected public sanitary sewer system or a connected public water supply system.
 - a. The minimum for a new lot per Section 4.3.4 B. is 30,000 square feet with an average lot width of 150 feet.
 - b. The proposed lot size with the variance is 0.5 acre in area with an average lot width of 141 feet.
 - (3) The provisions of Section 5.3 for a minimum lot area of one acre and a minimum average lot width of 200 feet in the CR District apply.
 - (4) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area and average lot width requirement, other considerations are as follows:
 - a. Adequate light and air: The subject property has an existing single family home. There are residential uses to the west, east and south of the property and natural wooded areas to the north.
 - b. Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Cornbelt Fire Protection District and the station is approximately 4.7 road miles from the subject property.
 - c. Aesthetics may also play a part in the minimum lot area requirement.
- 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:
 - A. The Petitioner has testified on the application: **“The proposed use is in character with the existing neighborhood. The streets in question have minimal traffic (Wildwood is, in fact, basically a driveway only one car in width to the south of the parcel in question). Traffic speeds are slow, and there is no additional hazard created by**

allowing a small reduction in the sight triangle on this corner. If desired, applicant is willing to compensate the Newcomb Township Supervisor for the cost of installing and maintaining Stop or Yield signs at this intersection. The parcel in question is of comparable area to the majority of the developed (originally platted) lots in Wildwood acres, and the proposed reduced setbacks are comparable to the setbacks of most of the existing homes in the neighborhood.”

- B. The Newcomb Township Road Commissioner has been notified of this variance but no comments have been received.
- C. The Cornbelt Fire Protection District has been notified of this variance but no comments have been received.
- D. The nearest residence on neighboring property is approximately 32 feet from the northeast corner of the subject property.
- E. In a note transcribed by Susan Burgstrom in a meeting with Jones and Sue Brockman on July 13, 2017, Mr. and Mrs. Brockman, owners of the eastern part of Lot 9 and all of Lot 8, stated the following:
 - (1) They are opposed to having a house built on Mr. Fiscella’s property.
 - (2) They appreciate the view that they have from their house.
 - (3) The back of a house built on Mr. Fiscella’s property would be too close to their front yard and south side.
 - (4) Neighbors on Lot 10 have taken care of Mr. Fiscella’s area and plantings for at least 3 years.
 - (5) Mr. Fiscella told them that he plans to put a modular home on the property. They are especially opposed to having a trailer placed on the property.
 - a. It is not known if Mr. Fiscella’s use of the term “modular home” refers to a home brought in pieces and constructed on site, or if he was referring to a trailer.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner did not respond to this question on the application.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. **Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **A variance was granted in Zoning Case 878-V-17 to authorize a lot less than one acre in area.**

- (2) **Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
- (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
- (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

DOCUMENTS OF RECORD

1. Variance Application received May 2, 2017, with attachments:
 - A Site Plan received May 2, 2017
 - B Tax Deed dated November 9, 2016, and received May 2, 2017
2. Email from Michael Flanagan (Champaign Urbana Public Health District) received April 11, 2017, with attachments:
 - A Soil Evaluation Report
3. Note transcribed by Susan Burgstrom in a meeting with Jones and Sue Brockman on July 13, 2017
4. Preliminary Memorandum dated July 26, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received May 2, 2017
 - C 2014 Aerial Photo of Lots 8 and 9 created by P&Z staff on July 19, 2017
 - D Wildwood Acres Subdivision Recorded Plat approved by the Champaign County Board on May 28, 1964
 - E Champaign County Tax Maps for Newcomb Township Section 36, 1974 Sidwell Edition, and 1980 Sidwell Edition (revised January 1, 1975)
 - F Email from Michael Flanagan (Champaign Urbana Public Health District) received April 11, 2017, with attachment: Soil Evaluation Report
 - G Note transcribed by Susan Burgstrom in a meeting with Jones and Sue Brockman on July 13, 2017
 - H Images of Subject Property taken July 12-13, 2017
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination dated August 3, 2017

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **878-V-17** and **882-V-17** held on **August 3, 2017**, 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 878-V-17:

- A. **Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **A variance was granted in Zoning Case 878-V-17 to authorize a lot less than one acre in area.**
 - (2) **Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

FINAL DETERMINATION FOR CASE 878-V-17

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 **878-V-17** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Philip Fiscella**, to authorize the following variance in the CR Conservation Recreation Zoning District:

Authorize the use of a proposed lot with an average lot width of 141 feet in lieu of the minimum required 200 feet, and with a minimum lot area of 0.5 acre in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 30 days of Final Action of Cases 878-V-17, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) A variance was granted in Zoning Case 878-V-17 to authorize a lot less than one acre in area.**
 - (2) Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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 882-V-17

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 **882-V-17** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **Philip Fiscella**, to authorize the following variance in the CR Conservation Recreation Zoning District:

Authorize a proposed division of a lot less than five acres in area, per Section 5.4.2 A.3. of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date