

CASE NO. 915-V-18

PRELIMINARY MEMORANDUM

September 20, 2018

Petitioners: Mark Meharry and Paul Meharry

Request: Authorize a variance for the addition of 0.57 acre to an existing 2.96-acre lot, for a total of 3.53 acres in area, in lieu of the maximum allowed 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.

Subject Property: A 2.96-acre lot plus part of a 317.04-acre tract of land located in the Northeast Quarter of Section 20, Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township, with an address of 1385 CR 900N, Tolono.

Site Area: 2.96 plus 0.57 acres for a total of 3.53 proposed acres

Time Schedule for Development: As soon as possible

**Prepared by: Susan Burgstrom
Senior Planner**

**John Hall
Zoning Administrator**

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

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

BACKGROUND

The Meharry family has farmed the 320-acre parent tract owned by the Maddux family since 1980 and has lived on the property's 2.96-acre farmstead since 1983. The farmstead was split from the parent tract by the Richard Maddux Trust per a Plat of Survey recorded on July 15, 2003. Petitioner Mark Meharry purchased the 2.96-acre farmstead from the Richard Maddux Trust on August 12, 2003, per document 2003R40321 recorded on September 5, 2003.

Mark's son, Paul Meharry, plans to purchase the farmstead from his father and would like to square it off by adding 0.57 acre from the adjacent 317.04-acre tract. The petitioners have reached an agreement with the Maddux family for the land sale, contingent upon approval of this variance.

Paul Meharry intends to build a new home and shed on the site; in the variance application, he stated that it would be easier to do with the larger farmstead area. He also stated that farming the adjacent ground would be easier with the proposed lot shape than with the current configuration.

The P&Z Department has not received any comments regarding the proposed variance, and staff does not propose any special conditions of approval.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning; it is 1.85 miles west of the Village of Philo and 2.75 miles northeast of the Village of Tolono. Municipalities do not have protest rights on a variance and are typically not notified of such cases.

The subject property is located within Philo Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights on a variance and do receive notification of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Agriculture and residential	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan (Plat of Survey) received July 16, 2018
- C 1973 Aerial Photo
- D Email from Paul Meharry received July 17, 2018, with attachment:
 - Email from Patrick Gooding to Paul Meharry dated April 25, 2018
- E Site Images taken September 18, 2018
- F Summary of Evidence, Finding of Fact, and Final Determination for Case 915-V-18 dated September 27, 2018

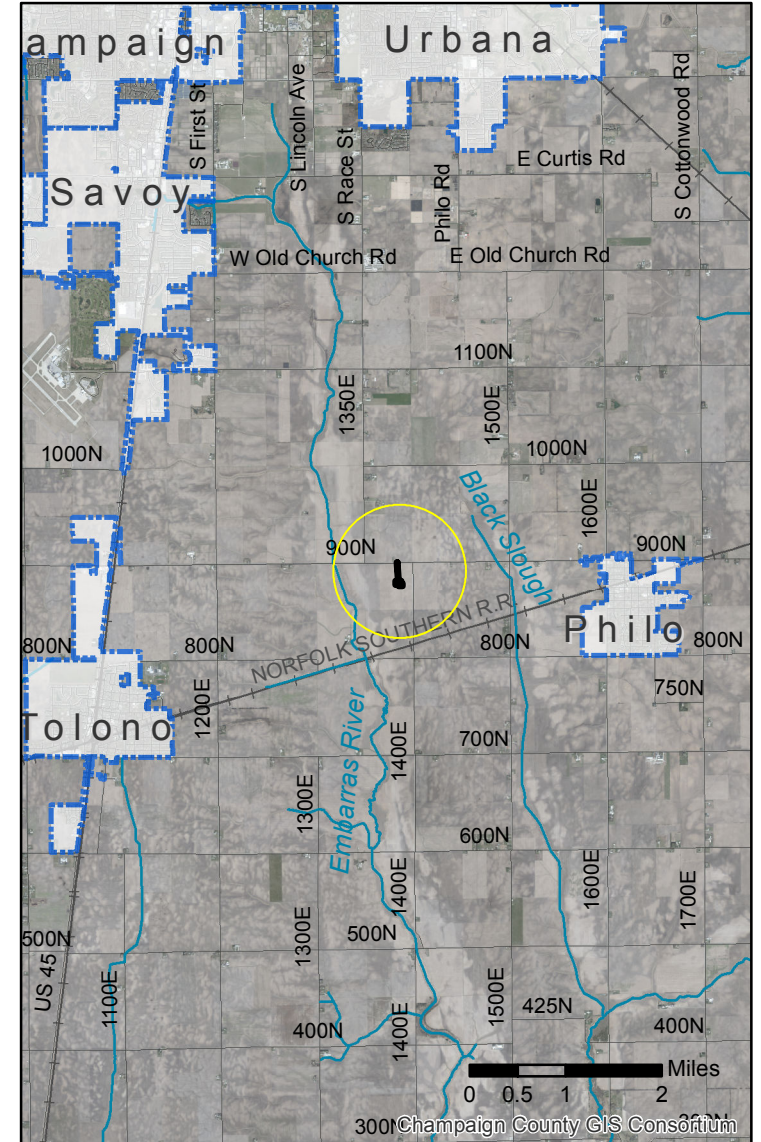
Location Map

Case 915-V-18
September 27, 2018




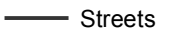


Subject Property



Property location in Champaign County



Legend

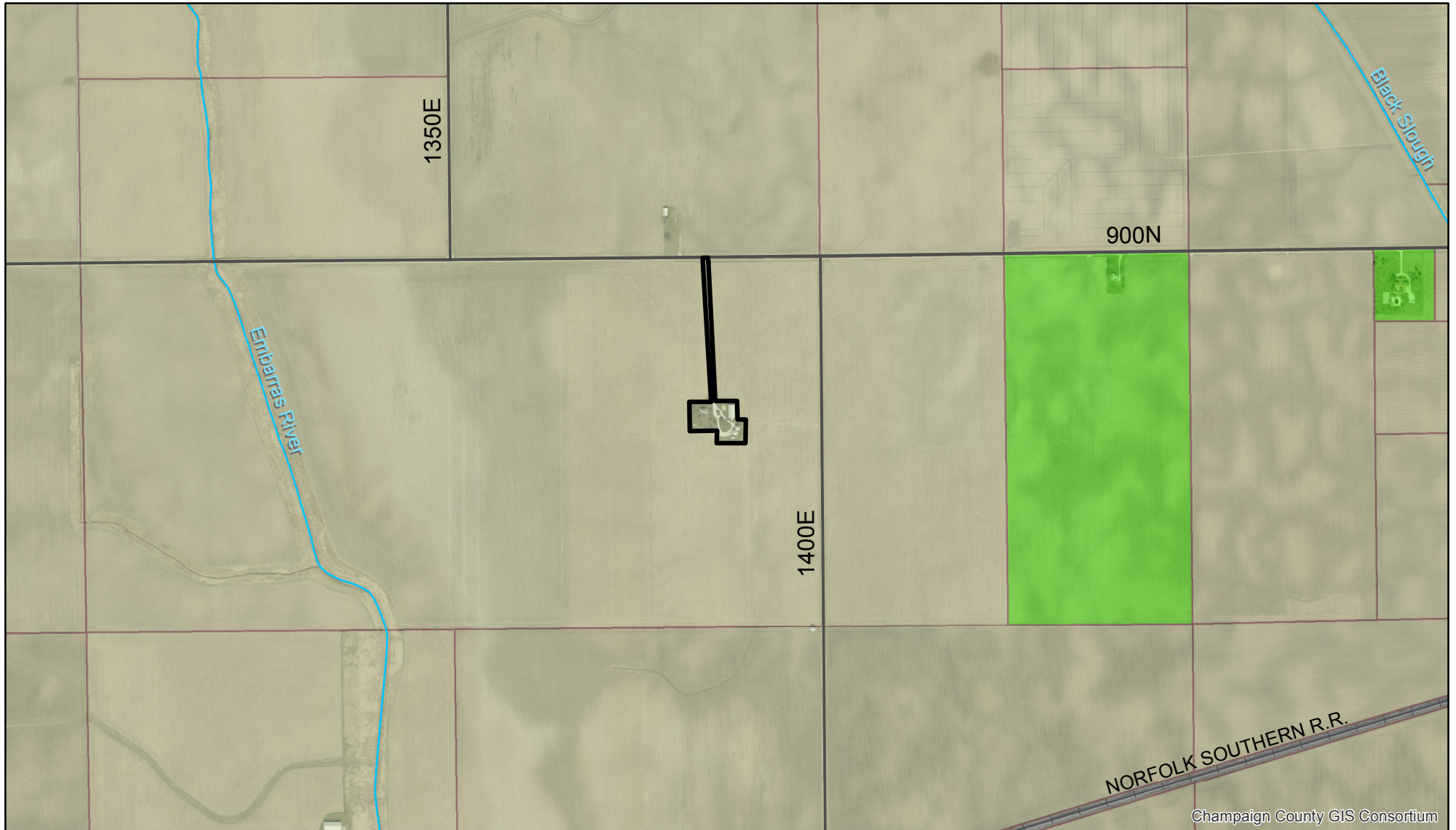
-  Subject Property
-  Municipal Boundary
-  Parcels
-  Streets
-  Railroads
-  Stream








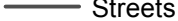

Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 915-V-18
September 27, 2018



Legend

- | | | |
|--|---|---|
|  Residential |  Agriculture/Residential |  Stream |
|  Agriculture |  Subject Property |  Streets |
| | |  Railroads |

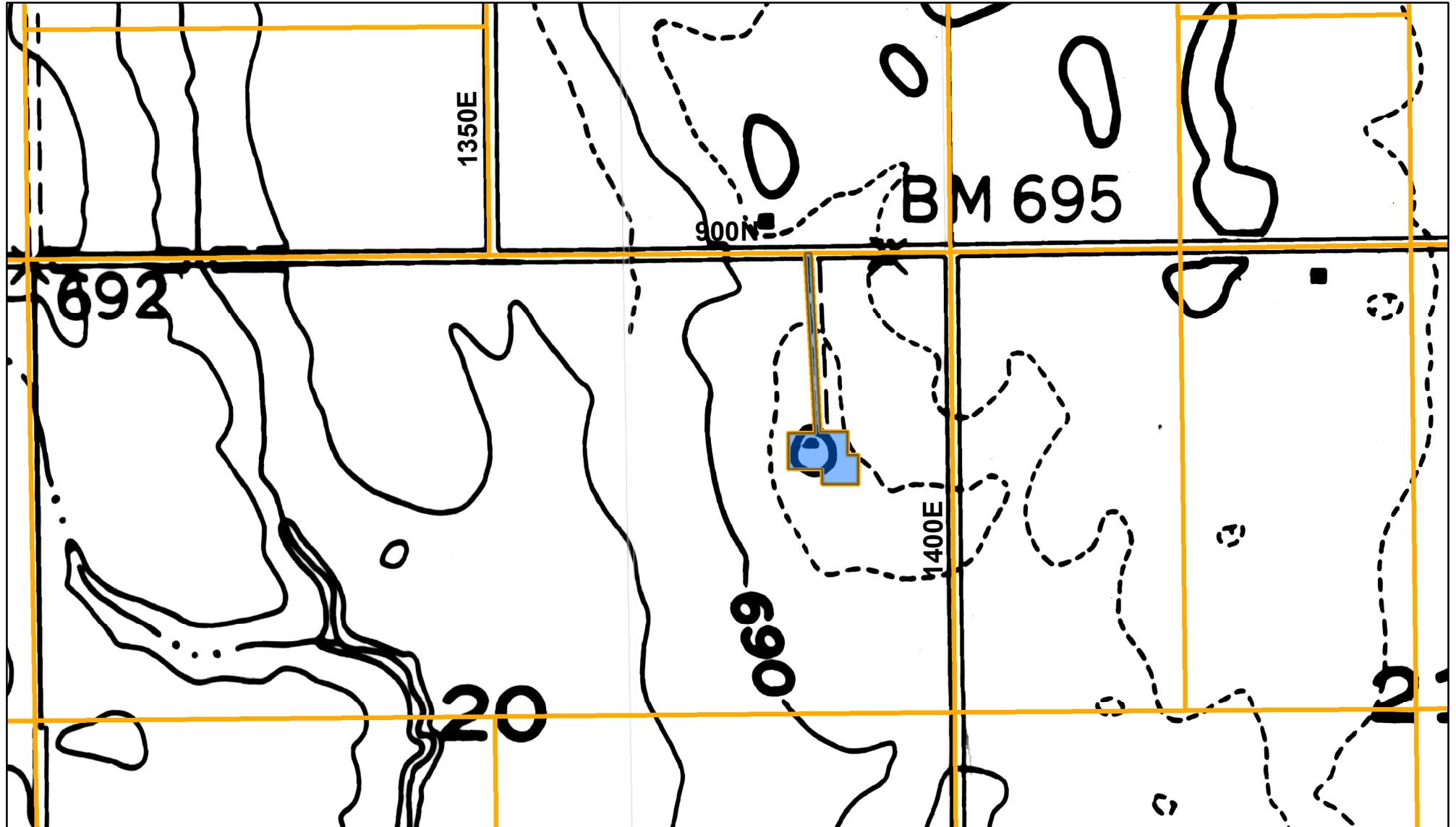
0 250 500 1,000 Feet





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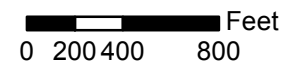
Zoning Map

Case 915-V-18
September 27, 2018



Legend

-  Subject Property
-  Parcels



2003R30572

RECORDED ON

07-15-2003 3:28:30

CHAMPAIGN COUNTY
RECORDER
BARBARA A. FRASCA

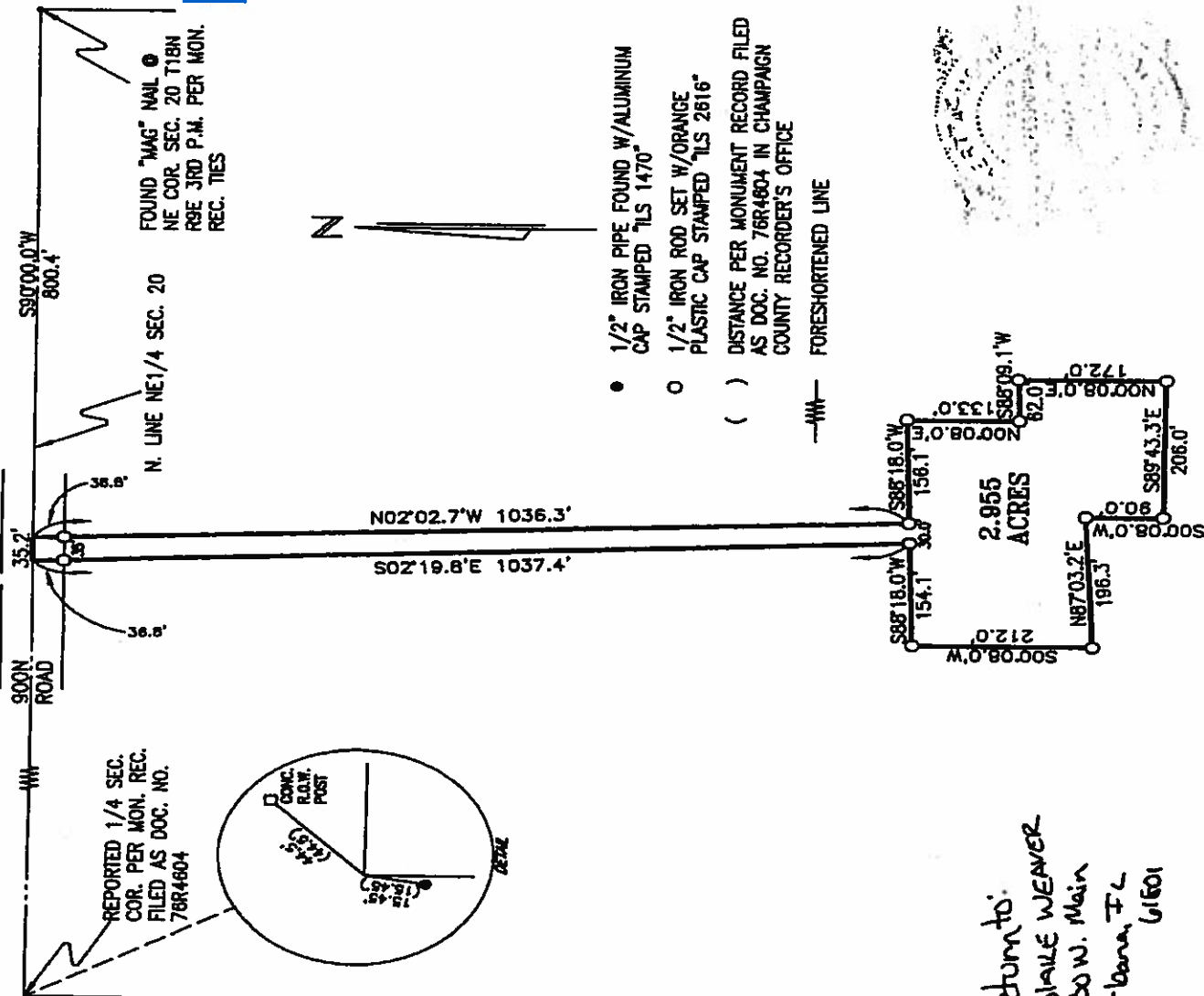
REC. FEE: 25.00
REV FEE:
PAGES: 1
PLAT ACT: 0
PLAT PAGE:

RECEIVED

JUL 16 2018

CHAMPAIGN CO. P & Z DEPARTMENT

PLAT OF SURVEY



REPORTED 1/4 SEC.
COR. PER MON. REC.
FILED AS DOC. NO.
78R4804

FOUND "MAG" NAIL @
NE COR. SEC. 20 T18N
R9E 3RD P.M. PER MON.
REC. TIES

I hereby certify that this plat represents a survey made by me of a tract of land described as:

Beginning on the North Line of the Northeast Quarter of Section 20, Township 18 North of the Base Line, Range 9 East of the Third Principal Meridian a distance of 800.4 feet west of the Northeast Corner of said Section; thence South 90 degrees 00.0 minutes West (S90°00.0'W) 36.2 feet on said North Line; thence S02°19.8'E 1037.4 feet; thence S88°18.0'W 154.1 feet; thence S00°08.0'W 212.0 feet; thence N87°03.2'E 196.3 feet; thence S00°08.0'W 90.0 feet; thence S88°18.0'W 156.1 feet; thence N00°08.0'E 172.0 feet; thence S88°18.0'W 156.1 feet; and thence N02°02.7'W 1036.3 feet to the point of beginning, encompassing 2.955 acres, situated in Champaign County, Illinois.

To the best of my knowledge and belief this professional service conforms to the current Illinois Minimum Standards of Practice applicable to boundary surveys.

Robert A. Moore
Robert A. Moore
Illinois Land Surveyor No. 2618
License expires 11/30/2004
Date 6-26/03

Return to:
BLAILE WEAVER
130 W. Main
Urbana, IL
61601

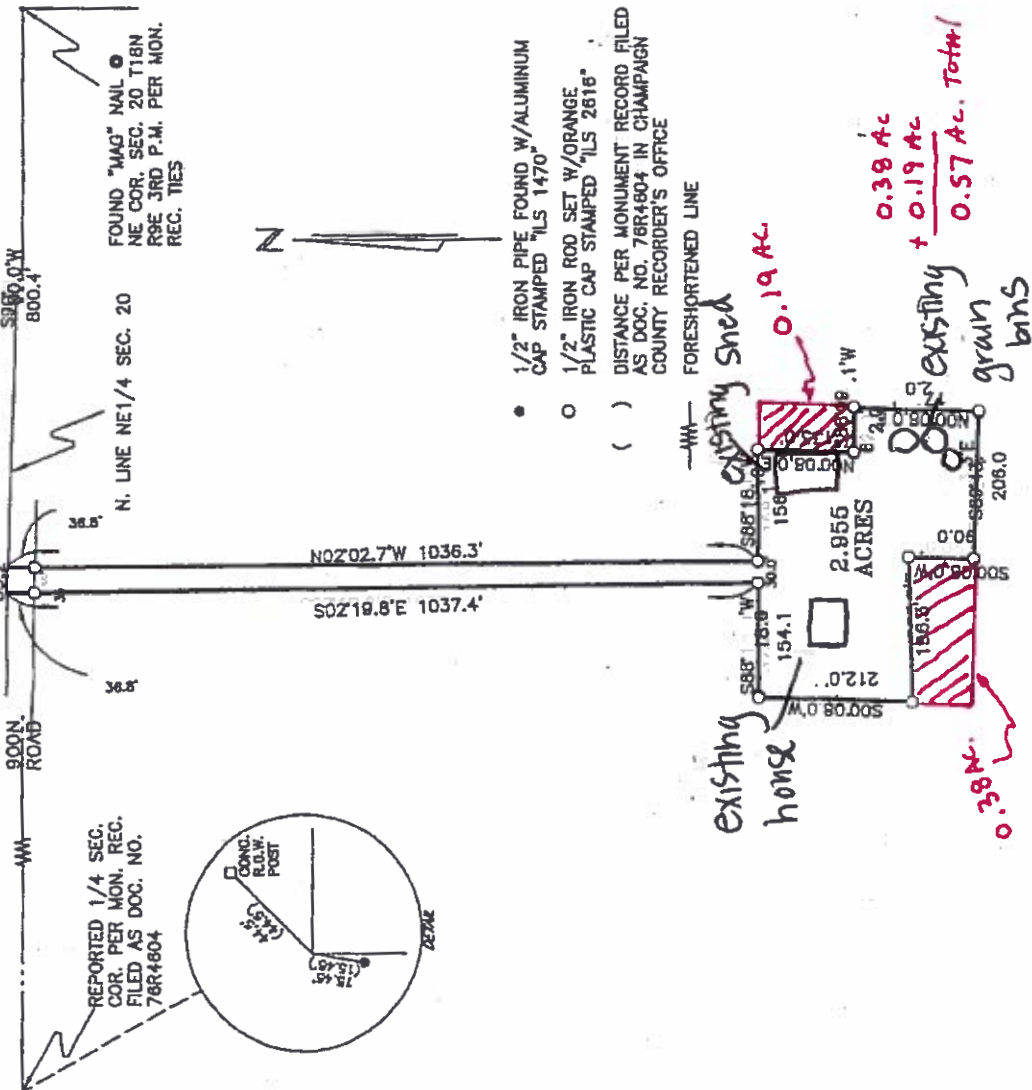
MOORE SURVEYING & MAPPING		REC. DEPT. FIRM	SCALE	JOB NO.
PAXTON, ILLINOIS		ILL. 02-02434	1" = 200'	3575
CLIENT	DATE			
BLAKE WEAVER	JUNE 19, 2003			

RECEIVED

JUL 16 2018

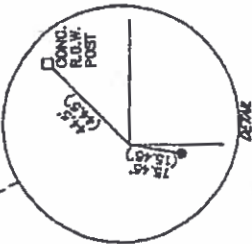
CHAMPAIGN CO. P & Z DEPARTMENT

PLAT OF SURVEY



REPORTED 1/4 SEC. COR. PER MON. REC. FILED AS DOC. NO. 78R4804

FOUND "MAG" NAIL @ NE COR. SEC. 20 T18N R9E 3RD P.M. PER MON. REC. TIES



I hereby certify that this plat represents a survey made by me of a tract of land described as:

Beginning on the North line of the Northeast Quarter of Section 20, Township 18 North of the Base Line, Range 9 East of the Third Principal Meridian a distance of 800.4 feet west of the Northeast Corner of said Section; thence South 90 degrees 00.0 minutes West (S90°00.0'W) 35.2 feet on said North line; thence S0219.8°E 1037.4 feet; thence S89°43.8'E 208.3 feet; thence S00°08.0'W 90.0 feet; thence N87°03.2'E 196.3 feet; thence S00°08.0'W 90.0 feet; thence S89°43.8'E 208.3 feet; thence N00°08.0'E 172.0 feet; thence S88°08.1'W 62.0 feet; thence N00°08.0'E 133.0 feet; thence S88°18.0'W 166.1 feet; and thence N02°02.7°W 1036.3 feet to the point of beginning; encompassing 2.955 acres, situated in Champaign County, Illinois.

To the best of my knowledge and belief this professional service conforms to the current Illinois Minimum Standards of Practice applicable to boundary surveys.

Robert A. Moore
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 Illinois Land Surveyor No. 2818
 License expires 11/30/2004

Date 6-26/03

MOORE SURVEYING & MAPPING	
PAXTON, ILLINOIS	
CLIENT BLAKE WEAVER	DATE JUNE 18, 2003
SCALE 1"=200'	JOB NO. 3575

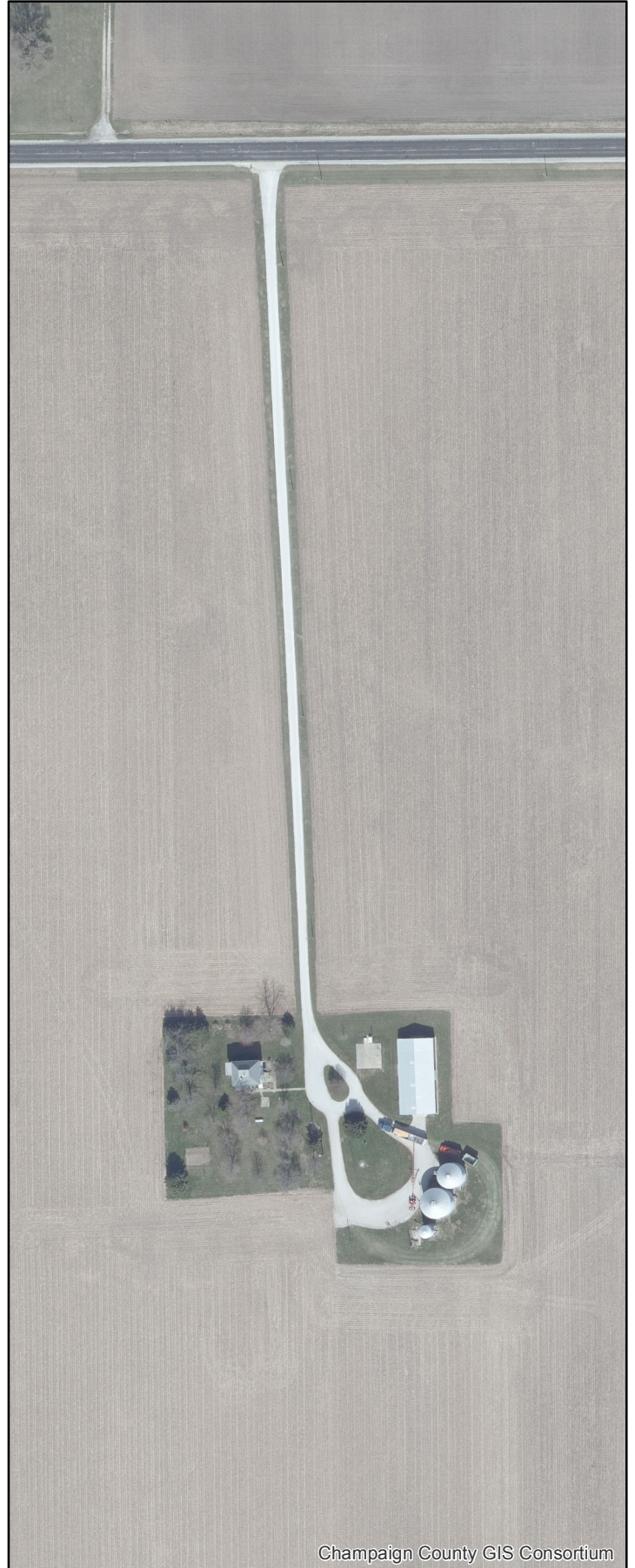
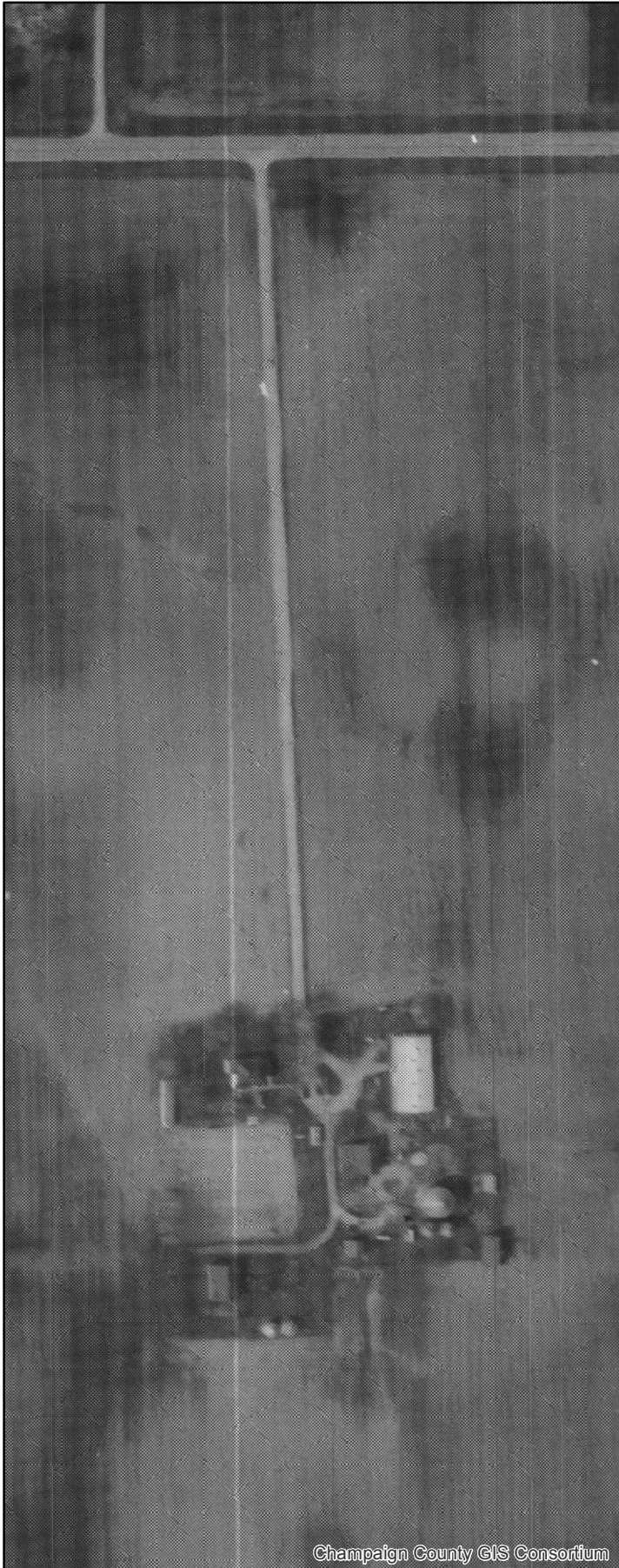
1973 and 2017 aerial photography

Case 915-V-18
September 27, 2018

0 50 100 200 Feet



Champaign County
Department of
PLANNING &
ZONING



Susan Burgstrom

From: Paul Meharry <Paul.Meharry@FARMCREDITIL.COM>
Sent: Monday, July 16, 2018 10:08 PM
To: Susan Burgstrom
Subject: Zoning Variance Documents
Attachments: Maddux Farmstead; Zoning Variance.docx

Ms. Burgstrom,

Attached are the additional documents that you requested. The email correspondence is with the farm manager. I have had further phone discussions with him and we have agreed upon a purchase price if the variance is approved.

If you need anything else please let me know.

Paul

Paul Meharry

IL Certified General Real Estate Appraiser
1100 Farm Credit Drive | Mahomet, IL 61853
o 217.590.2171 | c 217.841.4805
farmercreditIL.com | paul.meharry@farmercreditIL.com

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JUL 17 2018

CHAMPAIGN CO. P & Z DEPARTMENT



Susan Burgstrom

From: PGooding@farmersnational.com
Sent: Wednesday, April 25, 2018 12:59 PM
To: Paul Meharry
Subject: Maddux Farmstead

Hi Paul:

I was at the Maddux farm this morning watching the tile project. When I got back to my office there was a message from the trust officer saying the Maddux family would be fine with selling you the additional acreage to square up the farmstead. If you would, go ahead and have the acres surveyed and we can proceed from there. Let me know if you any other questions. Thanks!

Patrick R. Gooding
P.O. Box 749
Savoy, IL 61874-0749
Phone: (217)607-0118
Fax: (217)607-0781
<http://www.farmersnational.com/patrickgooding>
Senior Farm Manager
Real Estate Salesperson in Illinois

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915-V-18 Site Images



Existing residence, from driveway facing west



Existing accessory buildings, from driveway facing southeast

915-V-18 Site Images



Driveway toward farmstead, from CR 900N facing south



From driveway facing west to CR 900N

PRELIMINARY DRAFT

915-V-18

**FINDING OF FACT
AND FINAL DETERMINATION**

**of
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED/GRANTED WITH SPECIAL CONDITION(S)/DENIED}*

Date: *{SEPTEMBER 27, 2018}*

Petitioners: **Mark Meharry and Paul Meharry**

Request: **Authorize a variance for the addition of 0.57 acre to an existing 2.96-acre lot, for a total of 3.53 acres in area, in lieu of the maximum allowed 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 27, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Mark Meharry, 1330A CR 800N, Tolono, owns the 2.96-acre farmstead. Petitioner Paul Meharry, 813 CR 1500E, Tolono, is Mark's son, and he plans to purchase the farmstead from his father. First Merchants Trust Co, PO Box 1130, Lafayette, IN 47902, is the successor trustee for the Richard Maddux Trust, which owns the 317.04 acres from which the 0.57 acres would be taken to square off the 2.96-acre property. The petitioner has been told that the Maddux family has agreed to sell the petitioner the additional acreage to square up the farmstead.
2. The subject property is a 2.96-acre lot plus part of a 317.04-acre tract of land located in the Northeast Quarter of Section 20, Township 18 North, Range 9 East of the Third Principal Meridian in Philo Township, with an address of 1385 CR 900N, Tolono.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases.
 - B. The subject property is located within Philo Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights on a variance and do receive notification 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 2.96-acre subject property is currently zoned AG-1 Agriculture and is a farmstead. The 317.04-acre property is also zoned AG-1 and is in agricultural production.
 - B. Surrounding land is also zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The site plan is a survey received July 16, 2018, and indicates the following:
 - (1) The existing 2.96-acre lot is a flag lot that matches the current farmstead yard area, which has not changed since the mid-1980s. The proposed additional acreage would square off the farmstead by adding 0.19 acres to the northeast corner and 0.38 acres to the southwest corner.
 - (2) Existing structures on the property include:
 - a. A residence that was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
 - b. One 90 feet by 40 feet detached shed located east of the house; and
 - c. Three grain bins located south of the shed.

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- d. All existing structures did not require construction permits because they were either constructed prior to October 10, 1973, or were constructed under an agricultural exemption.
- (3) There is no proposed construction shown on the site plan, but the petitioner has indicated in the application that he would like to build a new home and shed on the site in the future.
- B. There are no Zoning Use Permits for the subject property.
- C. The requested variance is for a lot size of 3.53 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “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.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - (b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
 - (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.

PRELIMINARY DRAFT

- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (5) “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.
 - (6) “LOT LINES” are the lines bounding a LOT.
 - (7) “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.
 - (8) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
 - a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
 - b. The site is reasonably well-suited in all respects and has no major defects.
- B. Section 5.3 of the Zoning Ordinance Footnote 13 states:
13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
 - A) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - 1) The LOT is RRO-exempt;
 - 2) The LOT is made up of soils that are BEST PRIME FARMLAND; and
 - 3) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.

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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.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

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 Petitioners testified the following on the application: **“The features that may justify the granting of a variance would be the shape of the parcel. There are small notches that are present on the southwest and northeast corners of the existing sites that is presently farm ground. These notches are 0.38 acres and 0.19 acres in size. Typically rural residences or farm steads are located on a square or rectangular sites. Presently the existing site is 2.96 acres, which includes a nearly quarter miles lane that provides access to the site. Adding the two additional pieces of ground and squaring the site off would bring the total site area to 3.53 acres. The existing site is located a quarter mile from the road and is in the middle of a field. There is presently a house, equipment shed, and grain bins present on the existing site. The nearest residence is nearly a half mile away from the site... Squaring the site off will make farming around the site easier. More straight through passes, less end rows, less point rows, less turning, and less overlaps, etc.”**
 - B. The proposed 3.53 acre lot is a flag lot which included part of the proposed additional acreage per the 1973 County aerial photography.
 - (1) The access strip area is a significant part of the lot (0.83-acre) because it is almost one-quarter mile from the street and is much wider (35 feet) than the minimum 20 feet required for access.
 - C. Regarding the soils that make up the subject property:
 - (1) The soil on the proposed 3.53 acre lot is BEST PRIME FARMLAND and consists of Flanagan silt loam 154A, Catlin silt loam 171B, Drummer silty clay loam 152A, and Peotone silty clay loam 330A, and has an average LE of 96.

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:

PRELIMINARY DRAFT

- A. The Petitioners testified the following on the application: **“No, there would not necessarily be difficulties or hardships created by carrying out the strict letter of the zoning regulation. The existing site has been shaped in this manner for nearly 38 years. The site was separated from the farmland approximately 20 years ago. The site was surveyed off and purchased by my Father, Mark Meharry at this time. I, Paul Meharry, am now looking to purchase the site from him and would like to purchase the additional acres to square off the site for future plans at the site. While a present day hardship would not necessarily be created by adhering to the zoning regulation the vision I have for this site as a home site would be impacted by not being granted the variance.”**

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioners testified the following on the application: **“The site was purchased as it was shaped when it was separated from the farmland. Our family farms the land and has since 1980. The existing home was formerly considered to be a tenant home. The farmer that farmed the land lived in the house as a benefit and convenience for farming the ground. Our family has lived in the house since 1983. The landlords, who live out of state, decided to sell off the site to my father. He purchased the site as it was shaped at the time. The land in the two small notches has been farmed for as long as I can remember. There was a corn crib located on the notch south of the existing house that was removed in 1980. The site has been shaped like its present day shaped for the past 38 years.”**
- B. The farmstead was established many years before the current owner took possession.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioners testified the following on the application: **“The site is going to remain a site in the center of the farm, hopefully, with a granted variance, it will become a larger site. Granting the variance will slightly increase the acreage over the current zoning ordinance. While the site would be above the current zoning ordinance, a portion of the existing site is a nearly quarter mile lane that provides access to the site. This lane, while very important to the site, is counted as part of the site area, however, the site area itself, the location of the improvements, with the addition of the two smaller pieces would be 2.78 acres if the variance was granted, excluding the lane. Squaring the site off will make farming around the site easier. More straight through passes, less end rows, less point rows, less turning, and less overlaps, etc.”**
- B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.

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- C. Ordinance No. 914 (Case 711-AT-12) approved on November 27, 2012, revised the best prime farmland definition to have a Land Evaluation (LE) rating of 91 or higher rather than the previous rating of 85 or higher.
- D. The proposed lot area of approximately of 3.53 acres is 118% of the required three acre maximum, for a variance of 18%.
- E. 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 Petitioners testified the following on the application: **“The requested variance will not be injurious to the neighborhood or detrimental to public health, safety, or welfare. The site is a rural residence surrounded by farm ground with no neighbors within a quarter mile. If granted the variance, the site would continue to be used in the same manner as it is today.”**
 - B. Embarras River Mutual Drainage District has been notified of this variance, but no comments have been received.
 - C. The Philo Township Highway Commissioner has been notified of this variance, but no comments have been received.
 - D. The Philo Township Supervisor has been notified of this variance, but no comments have been received.
 - E. The Philo 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. The Petitioners testified the following on the application: **“I am planning to purchase the site from my father and would like to build a new home and shed on the site in the future. Granting the zoning variance would make these ideas easier to become a reality. Squaring off the parcel does make it easier to farm around the site. The landowners have given the approval for the purchase contingent about getting the variance.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:

No special conditions are proposed at this time.

DOCUMENTS OF RECORD

1. Application for Variance Permit received June 26, 2018, with attachment:
 - A Site Plan (Plat of Survey) recorded July 15, 2003

2. Email from Paul Meharry received July 17, 2018, with attachment:
 - A Email from Patrick Gooding (representative of the Maddux family) to Paul Meharry dated April 25, 2018

3. Preliminary Memorandum dated September 20, 2018, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan (Plat of Survey) received July 16, 2018
 - C 1973 Aerial Photo
 - D Email from Paul Meharry received July 17, 2018, with attachment:
 - Email from Patrick Gooding to Paul Meharry dated April 25, 2018
 - E Site Images taken September 18, 2018
 - F Summary of Evidence, Finding of Fact, and Final Determination for Case 915-V-18 dated September 27, 2018

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **915-V-18** held on **September 27, 2018**, 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:}***

PRELIMINARY DRAFT

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **915-V-18** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Mark Meharry and Paul Meharry**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Authorize a variance for the addition of 0.57 acre to an existing 2.96-acre lot, for a total of 3.53 acres in area, in lieu of the maximum allowed 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County 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:

Catherine Capel, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date