

## **CASE NO. 956-V-19**

*PRELIMINARY MEMORANDUM*

*September 5, 2019*

**Petitioners: Tom Perkins, Joe Hunsinger, and Kevin Hunsinger**

**Request: Authorize a variance for a proposed 5.32-acre lot in lieu of the maximum allowed 3 acres in area for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Subject Property: A proposed 5.32-acre lot that is part of a 60.63 acre tract in the west half of the Southeast Quarter of Section 6, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, commonly known as the residence with an address of 54 CR 2300N.**

**Site Area: 5.32 acres**

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

**Prepared by: Susan Burgstrom, Senior Planner**

**John Hall, Zoning Administrator**

---

### **BACKGROUND**

Co-petitioner Tom Perkins, 336 W Chestnut St, Canton, is the Trustee for the Perkins Family Trust, which owns the subject property. The petitioners would like to split the 5.32-acre farmstead from the tillable land on a 60.63-acre tract. If the variance is approved, Kevin Hunsinger is going to purchase the farm ground surrounding the proposed lot from Mr. Perkins, and Kevin's son Joe Hunsinger is going to purchase the 5.32-acre lot.

The subject property is partially within the Village of Mahomet 1.5 mile extraterritorial jurisdiction. Mr. Perkins received approval for a set of waivers from the Village of Mahomet Subdivision Ordinance so they can create this parcel, but also need a variance from the County for creating a lot greater than three acres on Best Prime Farmland. The petitioners propose no changes to the property.

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 located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases.

The subject property is located within Mahomet Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning in the Vicinity**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Farmstead	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture/Residential	AG-1 Agriculture
West	Agriculture/Residential	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

## ATTACHMENTS

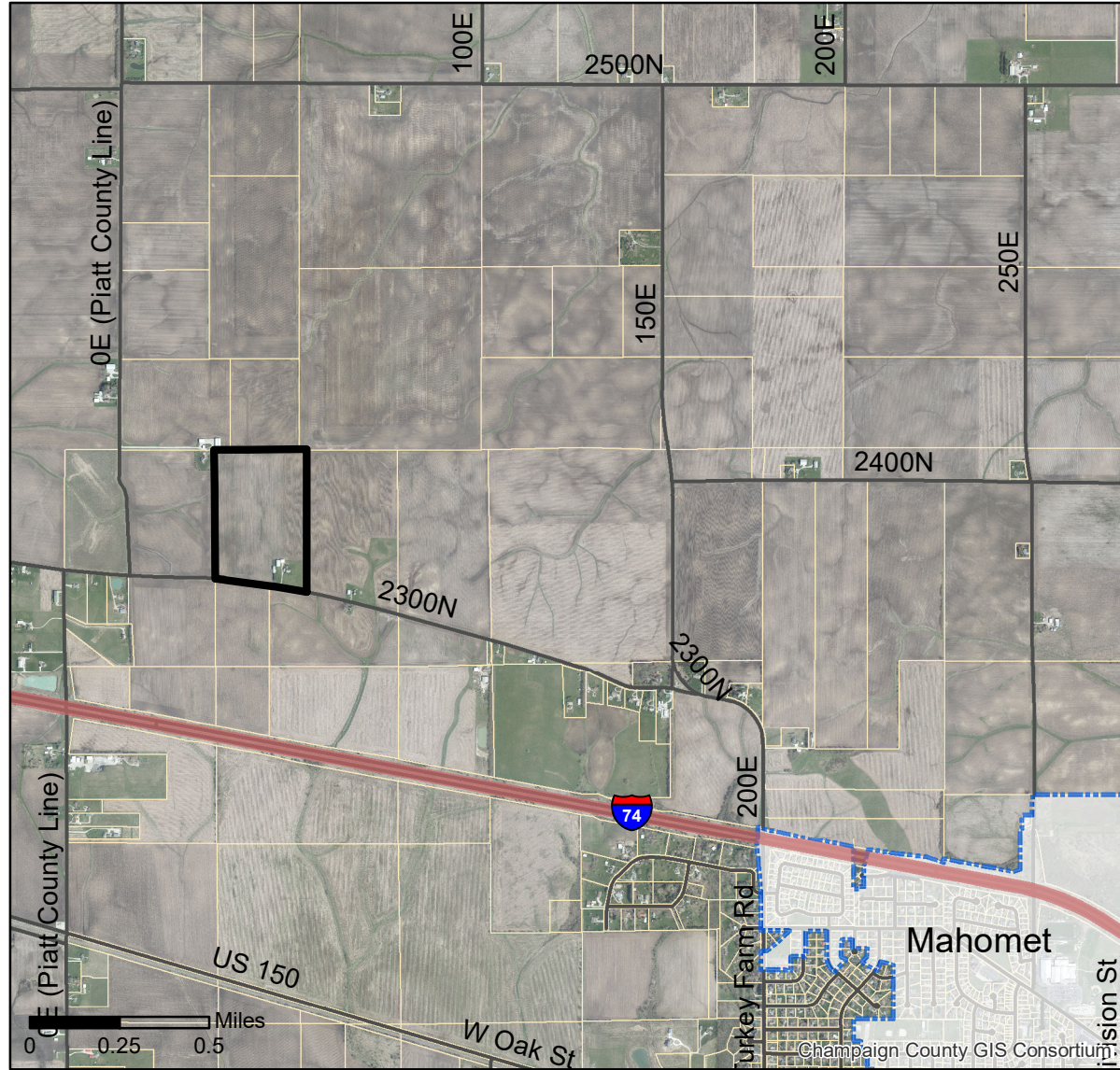
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 7, 2019
- C Plat of Survey dated June 11, 2019 and received August 7, 2019
- D Annotated 2017 aerial with soil types created by P&Z Staff on August 27, 2019
- E Village of Mahomet Resolution 19-07-03 approved July 23, 2019
- F Site Images taken August 23, 2019
- G Summary of Evidence, Finding of Fact, and Final Determination for Case 950-V-19 dated September 12, 2019

# Location Map

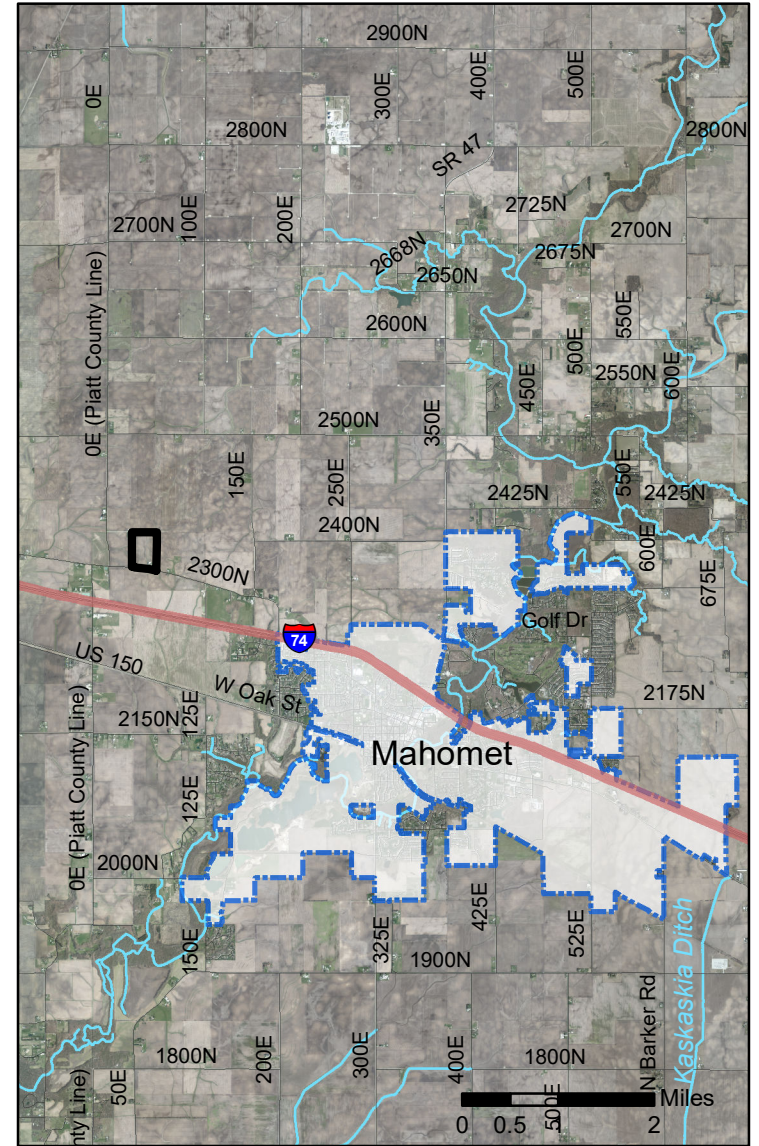
Case 956-V-19

September 12, 2019






Subject Property



Property location in Champaign County



## Legend

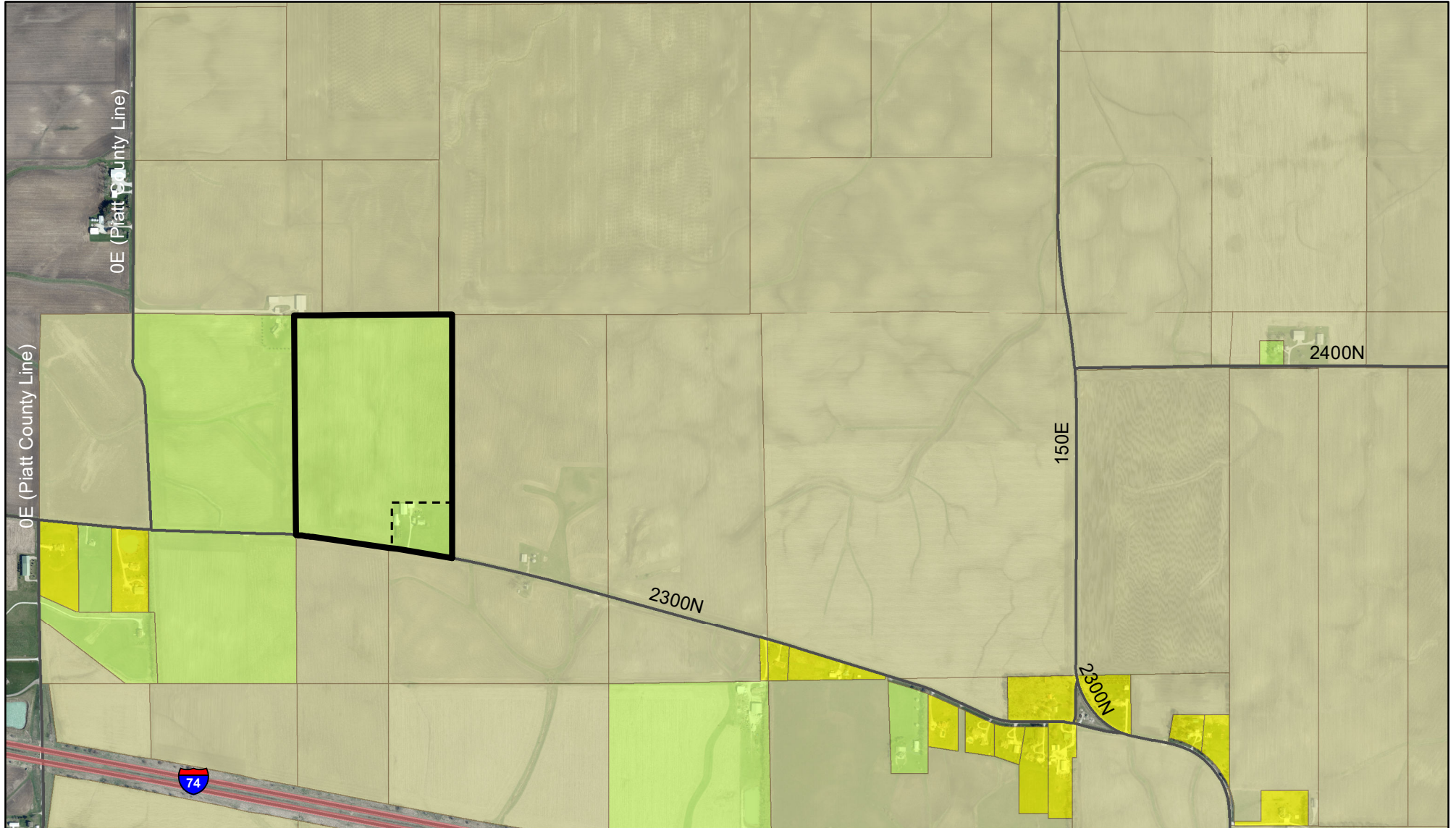
-  Subject Property
-  Interstate
-  Municipal Boundary
-  Streets
-  Parcels



# Land Use Map

Case 956-V-19

September 12, 2019



## Legend

- Subject Property
- 5.32 acre proposed lot
- Interstate
- Streets
- Agriculture
- Ag/Residential
- Residential

0 300 600 1,200 Feet

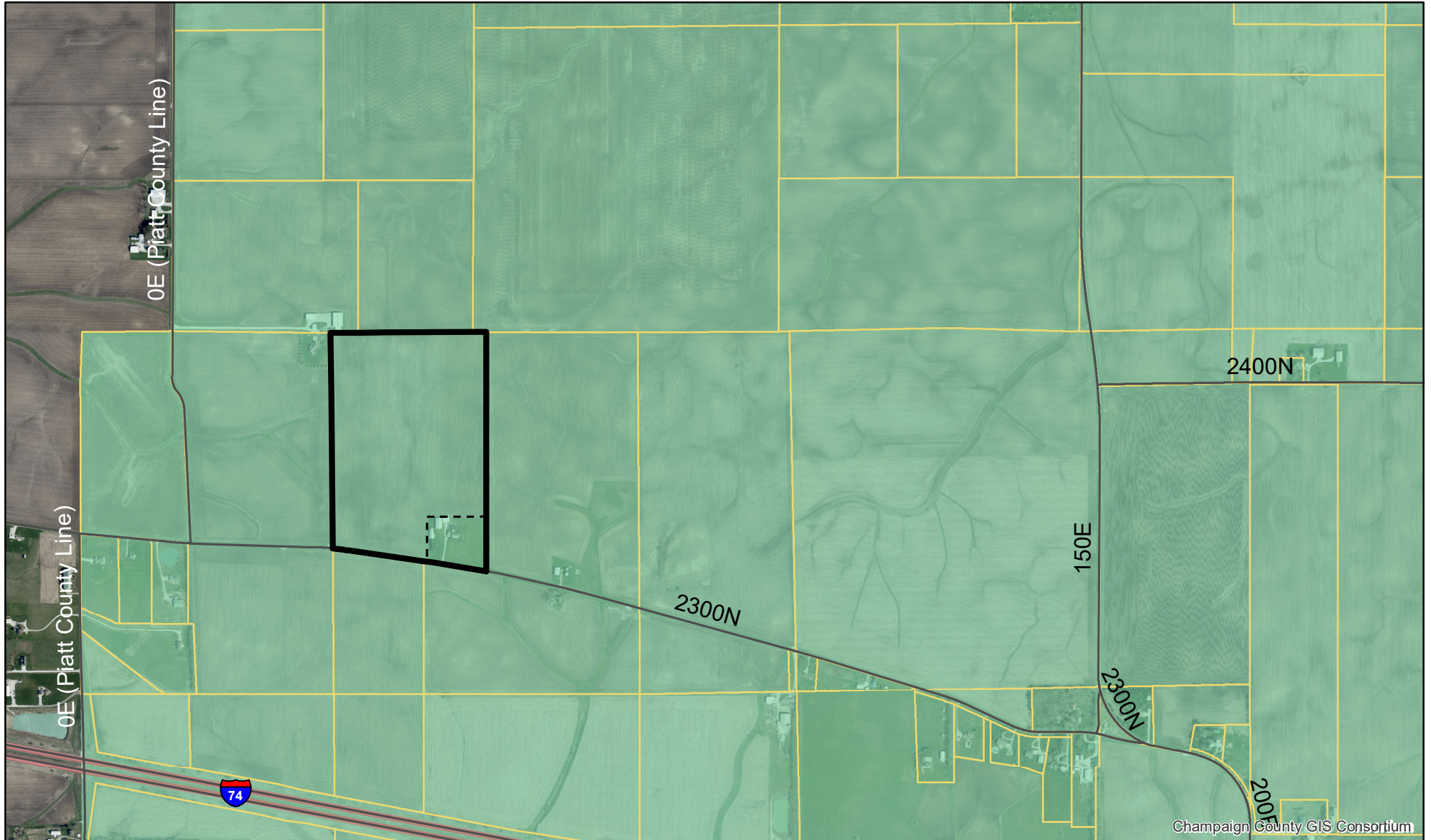


Champaign County  
Department of  
PLANNING &  
ZONING





# Zoning Map

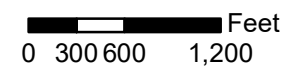
Case 956-V-19

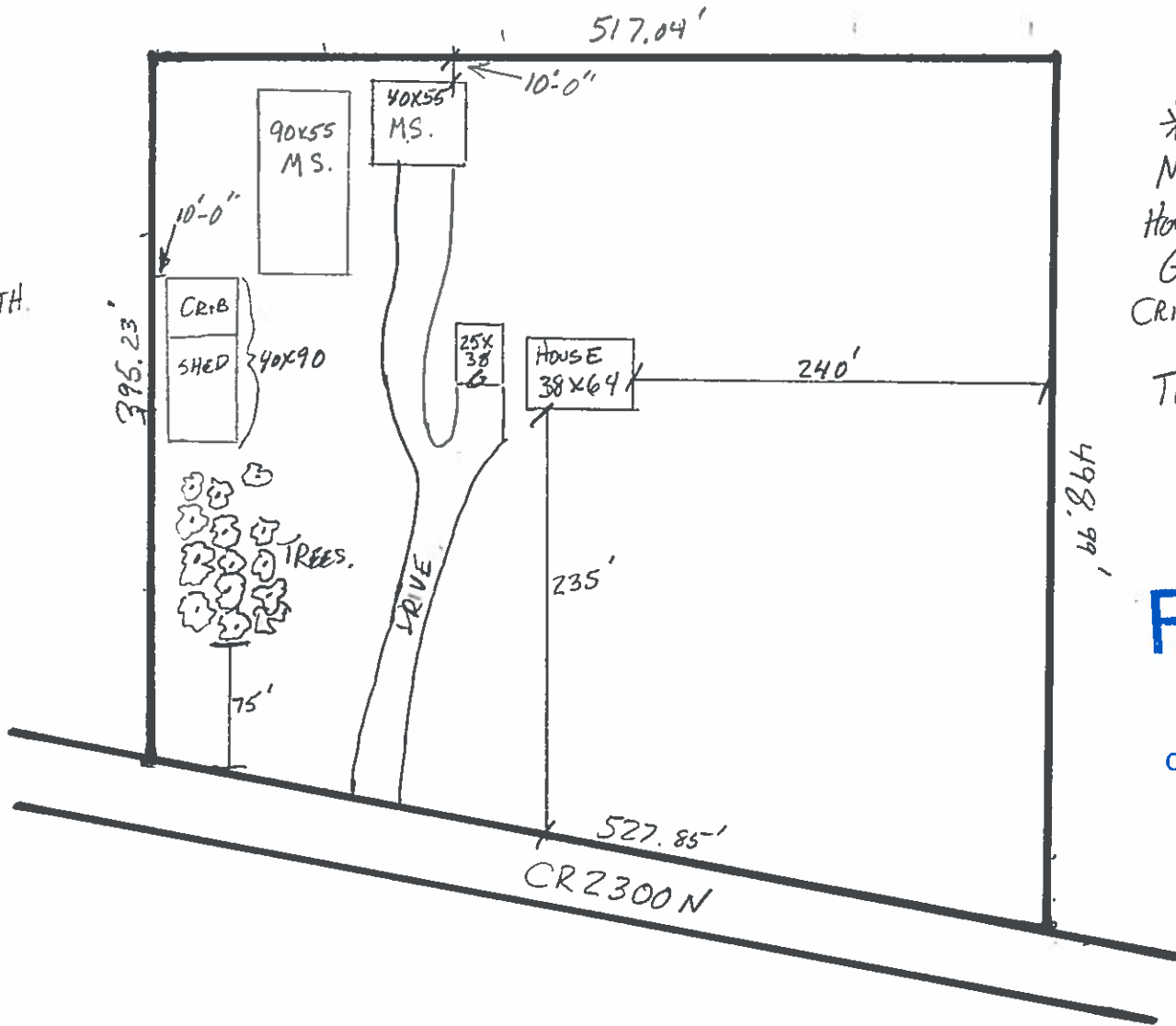
September 12, 2019



## Legend

-  Subject Property
-  5.32 acre lot
-  Parcels
-  AG-1





\* = ALL BUILDINGS SHOWN ARE EXISTING.  
 MS. = MACHINE SHED.  
 HOUSE = 1 STORY RANCH.  
 G = GARAGE 3STALL  
 CRIB/SHED = 2 BUILDING ATTACHED TO EACH OTHER.  
 TREES = WIND BREAK PINES.

RECEIVED

AUG 07 2019

CHAMPAIGN CO. P & Z DEPARTMENT

PERKINS / HUNSINGER  
 HOMESTEAD SITE PLAN.

SCALE 1/4" = 25'



**COX LAND SURVEYING**

P.O. Box 184, Mt. Zion, IL 62549  
Phone: (217)758-3252

ALTA BOUNDARY  
SUBDIVISION TOPOGRAPHICAL

Established 1979

Professional Design Firm License No. 184.005532  
(License Expires 04/30/2021)

(T. & J. Parkins)  
Proj. No. 91-19(2)  
P.C.S. File '19

**Plat of Survey**

That part of the West 1/2, Southeast 1/4, of Section 6, Township 20 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, described as follows: commencing at an existing iron pin marking the Southeast corner of the Southwest 1/4, of Section 31, Township 21 North, Range 7 East of the Third Principal Meridian; thence N.89°58'56"E.-79.05 feet along the South line of said Section 31; thence S.0°44'48"E.-1606.49 feet along an existing fence line marking the established East line of the West 1/2, of the Southeast 1/4, of said Section 6 to an iron pin set for the point of beginning; thence continuing S.0°44'48"E.-498.99 feet along said East line to a point on the centerline of an existing public roadway; thence N.80°31'12"W.-527.85 feet along said roadway; thence N.0°22'48"W.-395.23 feet to an iron pin set; thence N.88°08'23"E.-517.04 feet to the point of beginning, containing 5.32 acres, more or less.

**RECEIVED**

AUG 07 2019

CHAMPAIGN CO. P & Z DEPARTMENT

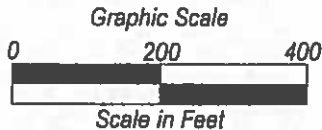


**Legend**

Scale: 1" = 200'

- = Iron Pipe or Pin From Prev. Surveys
- = 5/8" Iron Pin Set This Survey

Fieldwork completed: June '19 (RC)



Bearings are based on the Illinois State Plane Coordinate System - (East Zone)

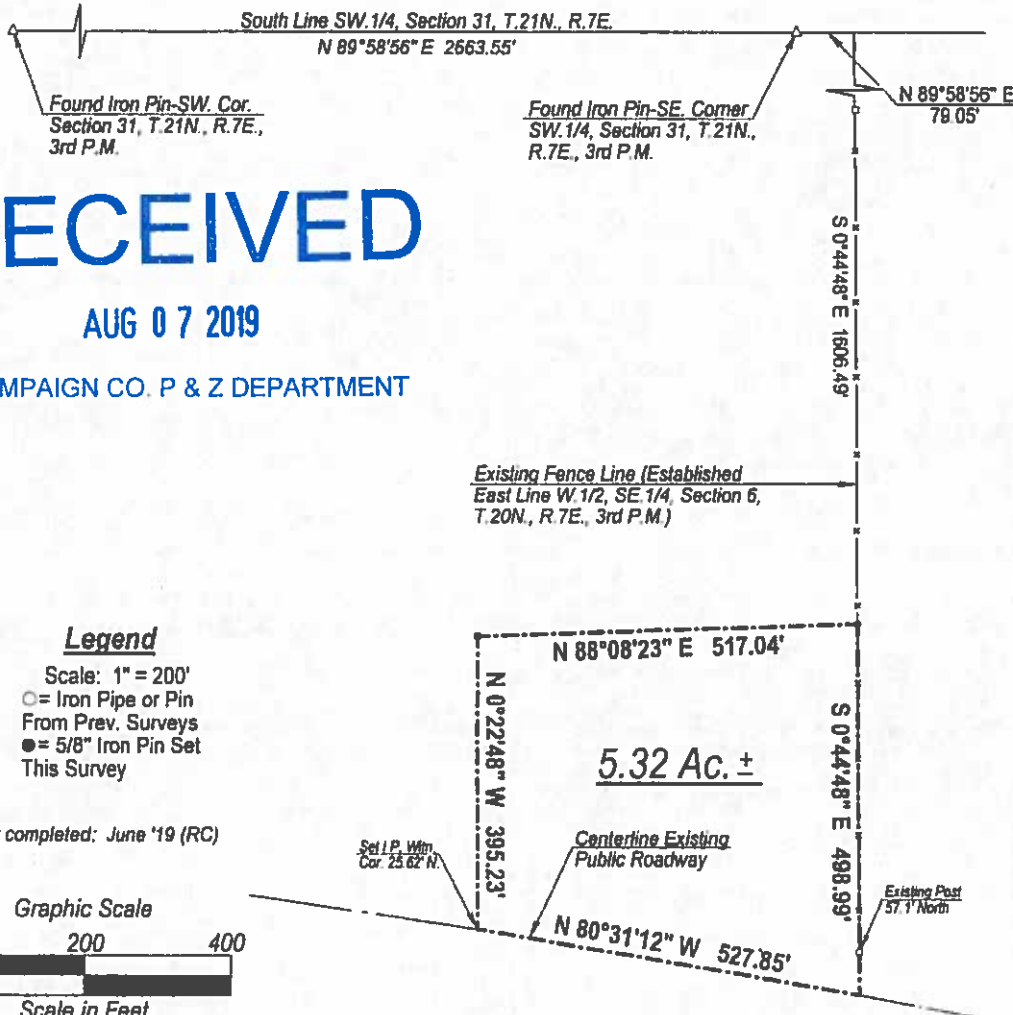
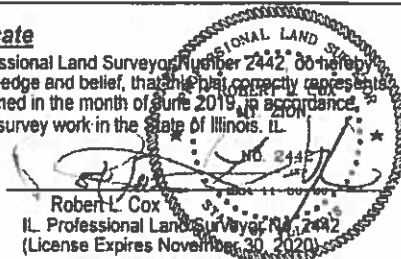
**Survey Notes**

- 1.) The field and office procedures were performed by me, or under my direct supervision in the month of June 2019.
- 2.) No investigation was made concerning environmental or subsurface conditions or the existence of underground utilities in the course of this survey.
- 3.) No investigation was made concerning the compliance or non-compliance with local zoning ordinances in effect, if any, in the course of this survey.
- 4.) The boundary of this property was determined by the physical location of existing monumentation in Section 6 and the surrounding sections.
- 5.) This professional service conforms with the current IPLSA Minimum Standards of Practice applicable to boundary surveys.

**Surveyor's Certificate**

I, Robert L. Cox, Illinois Professional Land Surveyor Number 2442, do hereby certify to the best of my knowledge and belief, that this Plat correctly represents the results of a survey performed in the month of June 2019, in accordance with state statutes governing survey work in the State of Illinois, IL.

June 11, 2019







# Annotated Aerial

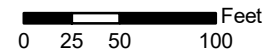
Case 956-V-19  
September 12, 2019

Aerial photo courtesy of Google Earth  
April 2019 image



## Legend

-  5.32 acre proposed lot (approximate)
-  56B Dana silt loam LE 88
-  622C2 Wyanet silt loam LE 78
-  154A Flanagan silt loam LE 100





**RESOLUTION 19-07-03**

**RESOLUTION FOR VILLAGE OF MAHOMET BOARD OF TRUSTEES -  
THOMAS E PERKINS - SUBDIVISION ORDINANCE WAIVER**

- WHEREAS,** Thomas E. Perkins ("Applicant") owns agricultural land which includes a farmstead with land totaling 60.63 acres, and would like to separate the farmhouse and associated accessory buildings as described on the Plat of Survey dated June 11, 2019 attached hereto ("Survey"), which specifically identifies the 5.32 acres of property to be subdivided from the remaining farm ground; and,
- WHEREAS,** A small portion of the property lies within the Extra-Territorial Jurisdiction of the Village; and,
- WHEREAS,** Applicant no longer has a need for the farmhouse and associated accessory buildings,
- WHEREAS,** Applicant does not contemplate any change in the current use of the farmstead or the adjacent agricultural land; and,
- WHEREAS,** the application of the Subdivision Ordinance to this transaction, in the absence of waivers and deferrals, would be costly to the Applicant, while providing minimal current benefit to the public; and,
- WHEREAS,** Applicant has requested three (3) waivers of the Village Subdivision Ordinance:
1. A waiver of the eligibility requirements for an Agricultural Subdivision to allow the creation of a farmstead parcel that is less than 10 acres in area.
  2. A waiver to allow a deferral of the requirement to dedicate public right-of-way along the frontage of the subject property until the time the property is annexed into the Village limits.
  3. A waiver of the required \$2,500 filing fee; and,
- WHEREAS,** Village staff have recommended that the request of Applicant be approved.


**BE IT THEREFORE RESOLVED** this 23rd day of July, 2019, by the Board of Trustees of the Village of Mahomet, that:

1. The three (3) waivers of the Subdivision Ordinance, as listed below, are hereby **GRANTED** to Applicant for the subdivision of agricultural property identified by the Champaign County Assessor PIN 15-13-06-400-001:
  - a. A waiver of the eligibility requirements for an Agricultural Subdivision to allow the creation of a farmstead parcel that is less than 10 acres in area.
  - b. A waiver to allow a deferral of the requirement to dedicate public right-of-way along the frontage of the subject property until the time the property is annexed into the Village limits.
  - c. A waiver of the required \$2,500 filing fee; and,
2. The following conditions are imposed as a part of the implementation of this waiver:
  - a. The applicant must file for an Agricultural Subdivision per the requirements of the Village Subdivision Ordinance.
  - b. Language must be included in the subdivision recording documents to address future dedication of required right-of-way when the property is annexed into the Village limits. Language to be determined by Village Staff and the property owner for approval by the Village Attorney.
3. Village staff is directed to take those steps reasonably necessary to implement this Resolution.

**Resolution for Board of Trustees**  
**Thomas E Perkins - Subdivision Ordinance Waiver**  
**Village of Mahomet, Champaign County, Illinois**  
**July 23, 2019**  
**Page 2 of 2**



President, Board of Trustees



Village Clerk

### 956-V-19 Site Images



**Farmstead from CR 2300N facing north**



**Farmstead showing SW corner pin from CR 2300N facing NE**

**PRELIMINARY DRAFT**

**956-V-19**

**FINDING OF FACT  
AND FINAL DETERMINATION  
of the  
Champaign County Zoning Board of Appeals**

---

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

Date: ***{SEPTEMBER 12, 2019}***

Petitioners: **Tom Perkins, Joe Hunsinger, and Kevin Hunsinger**

Request: **Authorize a variance for a proposed 5.32-acre lot in lieu of the maximum allowed 3 acres in area for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**

---

**Table of Contents**

**General Application Information..... 2**  
**Requested Variance ..... 3**  
**Specific Ordinance Requirements..... 3 - 5**  
**Variance Evidence ..... 5 - 7**  
**Documents of Record..... 8**  
**Case 956-V-19 Findings of Fact..... 9**  
**Case 956-V-19 Final Determination ..... 10**

***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 12, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Co-petitioner Tom Perkins, 336 W Chestnut St, Canton, is the Trustee for the Perkins Family Trust, which owns the subject property. If the variance is approved, Kevin Hunsinger is going to purchase the farm ground surrounding the proposed lot from Mr. Perkins, and Kevin's son Joe Hunsinger is going to purchase the 5.32-acre lot.
2. The subject property is a proposed 5.32-acre lot that is part of a 60.63 acre tract in the west half of the Southeast Quarter of Section 6, Township 20 North, Range 7 East of the Third Principal Meridian in Mahomet Township, commonly known as the residence with an address of 54 CR 2300N.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of the Village of Mahomet, 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 Mahomet Township, which does 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 5.32 acre subject property is zoned AG-1 Agriculture and is a farmstead.
  - B. Land surrounding the subject property is zoned AG-1 Agriculture and is in agricultural production, with one residence to the northwest and another approximately 600 feet east, which belongs to Mr. Perkins.

***GENERALLY REGARDING THE PROPOSED SITE PLAN***

5. Regarding the site plan for the subject property:
  - A. The Site Plan received August 7, 2019, indicates the following:
    - (1) A 2,400 square foot residence;
    - (2) A 25 feet by 38 feet (950 square feet) detached garage west of the residence;
    - (3) A 40 feet by 90 feet (3,600 square feet) crib and shed along the proposed west property line;
    - (4) A 90 feet by 55 feet (4,950 square feet) machine shed in the northwest corner of the proposed lot;
    - (5) A 40 feet by 55 feet (2,200 square feet) machine shed east of the larger machine shed;

**PRELIMINARY DRAFT****Case 956-V-19**

Page 3 of 10

- (6) A 24 feet by 12 feet (288 square feet) roofed structure north of the house; and
  - (7) A gravel drive leading to the garage and the smaller machine shed.
- B. There are no Zoning Use Permits for the subject property.
  - C. There are no previous zoning cases for the subject property.
  - D. The requested variance is for a lot size of 5.32 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) “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.
  - (5) “LOT LINES” are the lines bounding a LOT.
  - (6) “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. 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.
    - 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.

**PRELIMINARY DRAFT****Case 956-V-19**

Page 5 of 10

- 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: **“This farmstead is located within the 1.5 mile ETJ for the Village of Mahomet. The GIS map shows its relationship to the 1.5 mile line. In order to separate the farmstead from the tillable farm ground Mahomet required an application for an Agricultural Subdivision to be prepared for approval. The Ag Subdivision has a requirement of no less than 10 acres for the parcel. Champaign County has a maximum of 3 acres per parcel. Either way a variance would be required. A plat of survey was drawn up using the existing conditions as the guide for appropriate size. The surveyed lots ends up being 5.32 acres. The Village of Mahomet has approved a variance for having less than 10 acres for the lot.”**
- B. Regarding the soils that make up the subject property:
- (1) The soil on the 5.32-acre lot is BEST PRIME FARMLAND and consists of Dana silt loam 56B and Wyonet silt loam 622C2, and has an average LE of 89. Although the average LE is less than 91, more than 10% of the lot is comprised of soils in Agricultural Value Group 4, meeting the definition of BEST PRIME FARMLAND.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioners testified the following on the application: **“To carry out the strict letter of the law would require 2 lots to be created instead of one. This would be acceptable if it were not for the rules of the Village of Mahomet in the 1.5 mile ETJ. If 2 lots were to be created, Mahomet would require a "Minor Subdivision" application instead of an "Agricultural Subdivision" application. The "Minor Subdivision" comes with one major financial obligation the Agricultural Subdivision does not and that is requirement for up front payment for street, sidewalk and utility improvements. The cost of those improvements would be in excess of \$200,000. Financially, the 2 lot option is not feasible.”**

**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 house and buildings existed prior to Mahomet 1.5 mile jurisdiction impacted this property. The home and buildings were completed under county rules of the time. The landowner is stuck**



**PRELIMINARY DRAFT**

**between two governments with conflicting ordinances. The applicant is not trying to change the use of the property or surrounding farm land in any way. Simply trying to decouple tillable land from the residential portion of the property.”**

**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 proposed variance will in fact preserves the very purpose of the ordinance by allowing a long-standing use as a farmstead to continue. The scale and size of the site remains unchanged. The tillable farm land acres will be unchanged.”**
  - 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.
  - 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 5.32 acre lot area is 177% of the required three acre maximum, for a variance of 177%.
  - 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: **“This farmstead fits well in the rural neighborhood. Buildings are back from the road and create no road safety issues, drainage issues, prevent any future utility or road improvement obstacles. If fire or rescue were required on site the layout of buildings and lane allow for easy access to all structures.”**
  - B. The Mahomet Township Highway Commissioner has been notified of this variance, but no comments have been received.
  - C. The Mahomet Township Supervisor has been notified of this variance, but no comments have been received.
  - D. The Cornbelt Fire Protection District has been notified of this variance, but no comments have been received.

***PRELIMINARY DRAFT***

**Case 956-V-19**  
**Page 7 of 10**

***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: **“The Village of Mahomet made the recommendations as to the details of how the farmstead should be divided from the tillable farm land. The plans were drawn based the Village of Mahomet recommendations and the plat along with its variances were approved by the Village Board of Trustees.**

***GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL***

13. Regarding proposed special conditions of approval:

**No special conditions are proposed at this time.**

***PRELIMINARY DRAFT***

**DOCUMENTS OF RECORD**

1. Application for Variance Permit received August 7, 2019, with attachment:
  - A Site Plan received August 7, 2019
  - B Plat of Survey dated June 11, 2019 and received August 7, 2019
  
2. Preliminary Memorandum dated September 5, 2019, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received August 7, 2019
  - C Plat of Survey dated June 11, 2019 and received August 7, 2019
  - D Annotated 2017 aerial with soil types created by P&Z Staff on August 27, 2019
  - E Village of Mahomet Resolution 19-07-03 approved July 23, 2019
  - F Site Images taken August 23, 2019
  - G Summary of Evidence, Finding of Fact, and Final Determination for Case 950-V-19 dated September 12, 2019

**PRELIMINARY DRAFT****Case 956-V-19**

Page 9 of 10

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **956-V-19** held on **September 12, 2019**, 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:}***

**Case 956-V-19**  
Page 10 of 10

**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 **956-V-19** is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioners, **Tom Perkins, Joe Hunsinger, and Kevin Hunsinger**, to authorize the following variance in the AG-1 Agriculture Zoning District:

**Authorize a variance for a proposed 5.32-acre lot in lieu of the maximum allowed 3 acres in area 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:

\_\_\_\_\_  
Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

\_\_\_\_\_  
Secretary to the Zoning Board of Appeals  
Date