

CASES 958-V-19 & 959-V-19

PRELIMINARY MEMORANDUM

OCTOBER 10, 2019

Petitioners: **Kevin & Jan Walsh**

Request: **Case 958-V-19**

Authorize a variance for proposed Lot 1 with a lot area of 0.563 acre and an average lot width of 150 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Case 959-V-19

Authorize a variance for proposed Lot 2 with a lot area of 0.421 acre and an average lot width of 119 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Subject Property: **Lot 5 of Robert Wolf Subdivision and Lots 7 and 9 of Robert Wolf Second Subdivision, in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 15, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township**

Site Area: **42,838 square feet (0.98 acre)**

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

Prepared by: **Susan Burgstrom, Senior Planner
John Hall, Zoning Administrator**

BACKGROUND

The Walshes own Lot 5 in Robert Wolf Subdivision and Lots 7 and 9 in Robert Wolf Second Subdivision. They purchased Lot 9 in 1994, Lot 7 in 1996, and Lot 5 in 2018. They would like to replace a house on Lot 9 that was demolished in 2018.

When the Walshes gained ownership of all three lots, for purposes of the Zoning Ordinance, they became one zoning lot under common ownership. Per Section 8.1.2, non-conforming lots of record in common ownership “shall not be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.”

The remaining house owned by the Walshes is now on a common ownership lot that cannot have a second residence, so it must be divided in order for them to construct the desired second residence. The petitioners have created a Plat of Survey to divide the property into two lots, but each proposed lot needs variances in order to conform to the Zoning Ordinance.

Case 958-V-19 is for proposed Lot 1 and the proposed house. Lot 1 needs a variance for lot size and average lot width. Case 959-V-19 is for proposed Lot 2 for the existing house, and needs the same set of variances.

The P&Z Department has not received any comments regarding the proposed variance. P&Z Staff proposes one special condition of approval.

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance. The County has been coordinating the review process for these lots over the last few months. The Village does not have plans to annex the subject properties at this time. On August 13, 2019, the Village waived its subdivision regulations, which requires these lots to comply with County subdivision regulations.

The subject property is located within St. Joseph Township, which does have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential	CR Conservation Recreation
North	Residential	CR Conservation Recreation
East	Residential	CR Conservation Recreation
West	Vacant	CR Conservation Recreation
South	Residential	CR Conservation Recreation

OTHER CONSIDERATIONS

Zoning issues have been part of this subdivision since the adoption of the Zoning Ordinance on October 10, 1973. The Village of St. Joseph approved Robert Wolf Subdivision in 1966 and Robert Wolf Second Subdivision in 1968. When Champaign County adopted its Zoning Ordinance on October 10, 1973, this subdivision was zoned CR Conservation Recreation because it is along the Salt Fork River, and much of the subdivision is in the special flood hazard area. CR zoning requires a 1 acre lot size and 200 foot average lot width, but lots in the subdivision are generally 0.33 acre and 90 feet wide, which does not conform to the CR zoning assigned.

An attempt to rezone the properties to R-1 Single Family Residence in 1975-1976 failed due to the flooding issues; the ZBA determined that flood-prone areas belong in the CR district. R-1 zoning would have allowed a minimum lot size of 9,000 square feet and an average lot width of 80 feet, which would make the subdivision lots conforming to the Zoning Ordinance. The Walshes would not need the variances requested today if the zoning issues had not built up back in the 1970s.

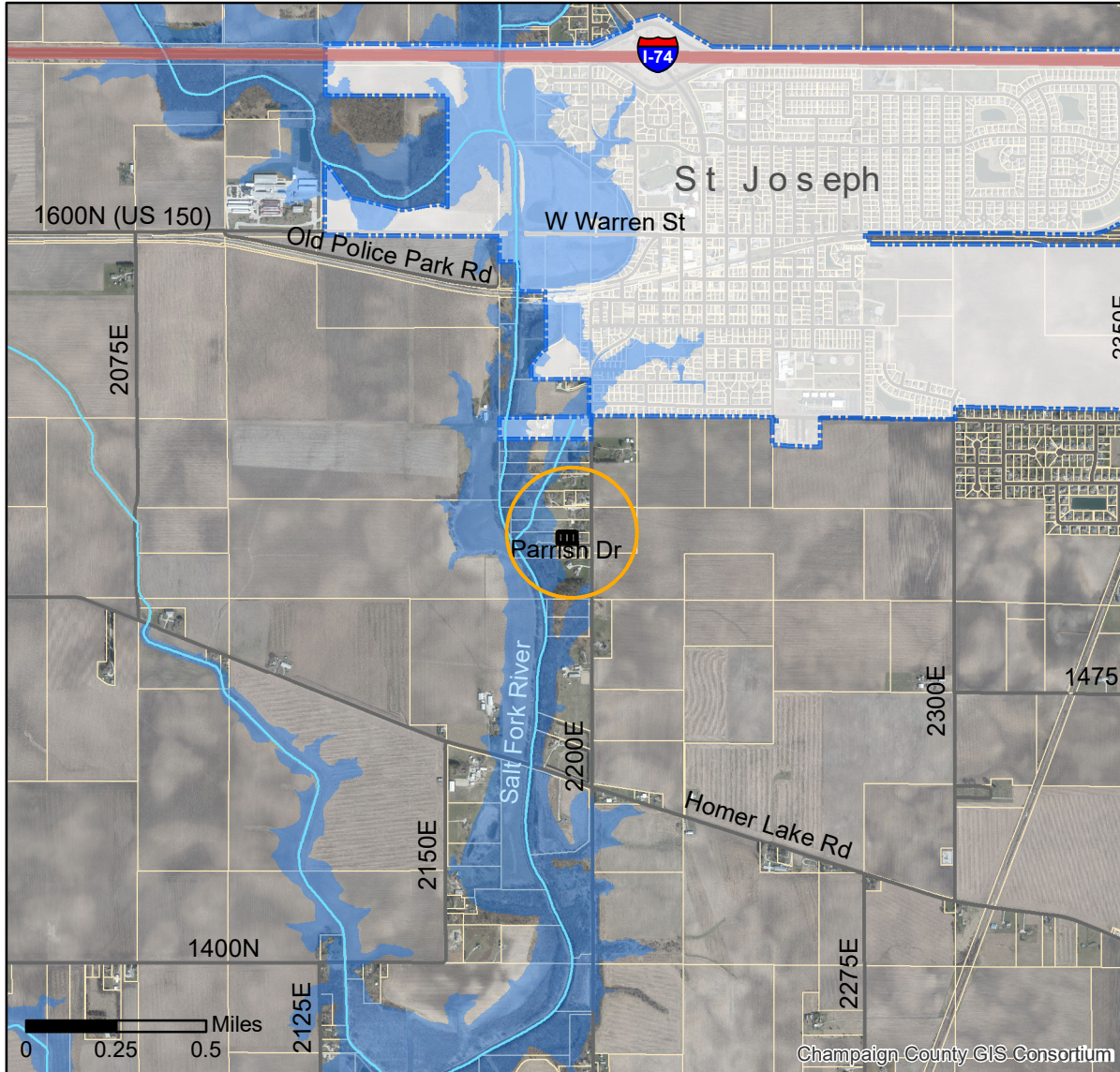
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Replat of Lot 5 of the Robert Wolf Sub and Lots 7 and 9 of the Robert Wolf Second Sub by Hartke Engineering received September 13, 2019
- C Plat of Robert Wolf Subdivision approved by the Village of St. Joseph on July 10, 1966 and Plat of Robert Wolf Second Subdivision approved by the Village of St. Joseph on May 7, 1968
- D 2017 aerial photo
- E Village of St. Joseph Resolution No. 2019-5 waiving subdivision regulations for the subject property, approved August 13, 2019 and received August 14, 2019
- F Email received September 10, 2019 from Kevin Walsh, with attachment:
 - Soil Evaluation Report by Robert McLeese dated September 9, 2019
- G Email received September 17, 2019 from Jeff Blackford, Champaign-Urbana Public Health District
- H Images of Subject Property taken September 17, 2019
- I Draft Summary of Evidence, Finding of Fact, and Final Determination dated October 17, 2019

Location Map

Cases 958-V-19 & 959-V-19
October 17, 2019






Subject Property



Property location in Champaign County



Legend

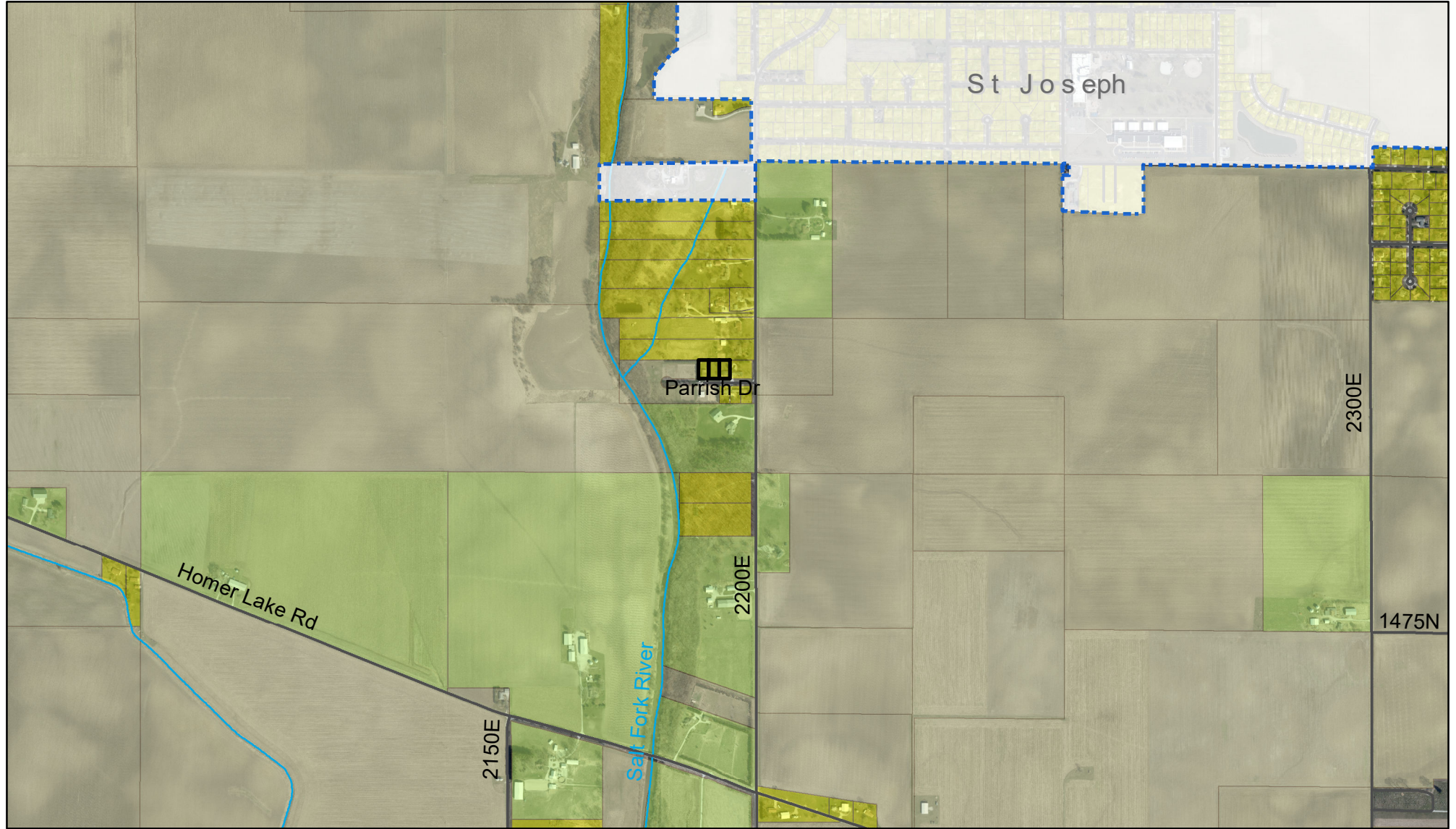
-  Subject Property
-  FEMA Flood Hazard Area
-  Parcels
-  Municipal Boundary
-  Streams



Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Cases 958-V-19 & 959-V-19
October 17, 2019



Legend

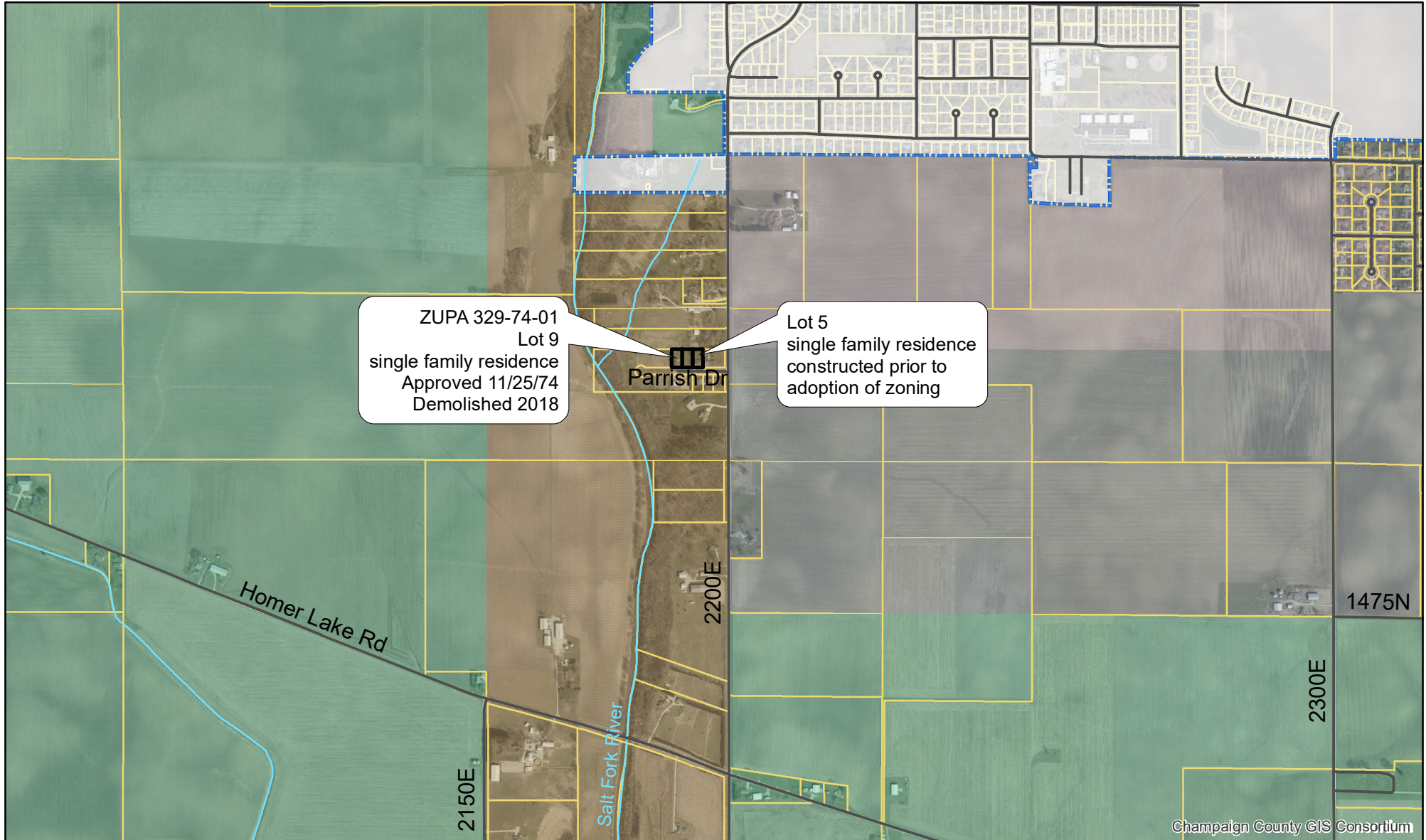
- | | |
|---|--|
|  Subject Property |  Ag-Residential |
|  Agriculture |  Residential |

0 300 600 1,200 Feet









Zoning Map

Cases 958-V-19 & 959-V-19
October 17, 2019



Legend

- | | | | | | |
|--|------------------|---|------------------|---|-------------------------------|
|  | Subject Property |  | AG-1 Agriculture |  | CR Conservation Recreation |
|  | Parcels |  | AG-2 Agriculture |  | R-1 Single Family Residential |

0 300 600 1,200 Feet



PLAT OF SURVEY REPLAT OF LOT 5 OF ROBERT WOLF SUBDIVISION AND LOTS 7 & 9 OF ROBERT WOLF SECOND SUBDIVISION CHAMPAIGN COUNTY, ILLINOIS

JW

RESERVED FOR RECORDING OFFICER

RECEIVED

SEP 13 2019

CHAMPAIGN CO. P & Z DEPARTMENT

LEGEND

- Existing Survey Monument
- 1/2" X 30" Iron Pipe Set with I.P.L.S. 3594 Identification Cap
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- Existing Lot Line
- Building Setback Line
- - - Utility Easement Line
- - - Edge of Road Surface
- OH — Overhead Utility Line
- ⊕ Utility Pole
- ⊗ Well Head

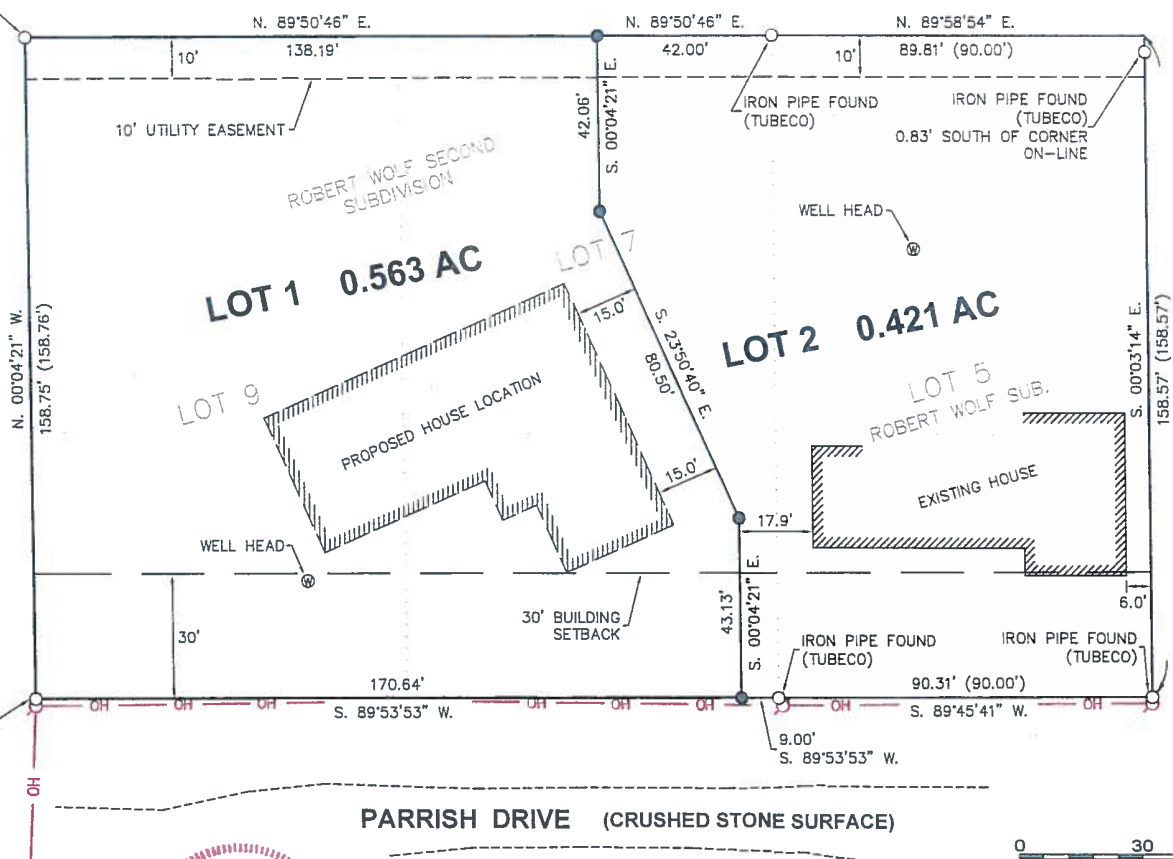
IRON PIPE FOUND
W/ALUMINUM CAP
STAMPED "ILS 1470"

NOTES

1. Client Name: Jan Walsh
2. Field Work Completion Date:
September 4, 2019
3. Basis of Bearings:
NAD 1983 (2011 Adjustment),
Illinois State Plane Coordinate System
(East Zone 1201)
4. Utilities and other improvements exist,
but are not shown on this survey.
5. REFERENCE:

Plat of Robert Wolf Subdivision
Recorded in Plat Book "R" at
Page 48 in the Champaign County
Recorder's Office

Plat of Robert Wolf Second Subdivision
Recorded in Plat Book "T" at
Page 39 in the Champaign County
Recorder's Office
6. The real estate shown on this plat is
within 1.5 miles of the corporate limits
of Saint Joseph, Illinois.



PARRISH DRIVE (CRUSHED STONE SURFACE)

LEGAL DESCRIPTION

Lot 5 of Robert Wolf Subdivision in Champaign County, Illinois as recorded in the Champaign County Recorder's Office in Plat Book "R" on Page 48.

—AND—

Lot 7 and Lot 9 of Robert Wolf Second Subdivision in Champaign County, Illinois as recorded in the Champaign County Recorder's Office in Plat Book "T" on Page 39.



This professional service conforms to the current Illinois minimum standards for a boundary survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Ogden, Illinois, this 9th day of September, 2019.

Theodore P. Hartke

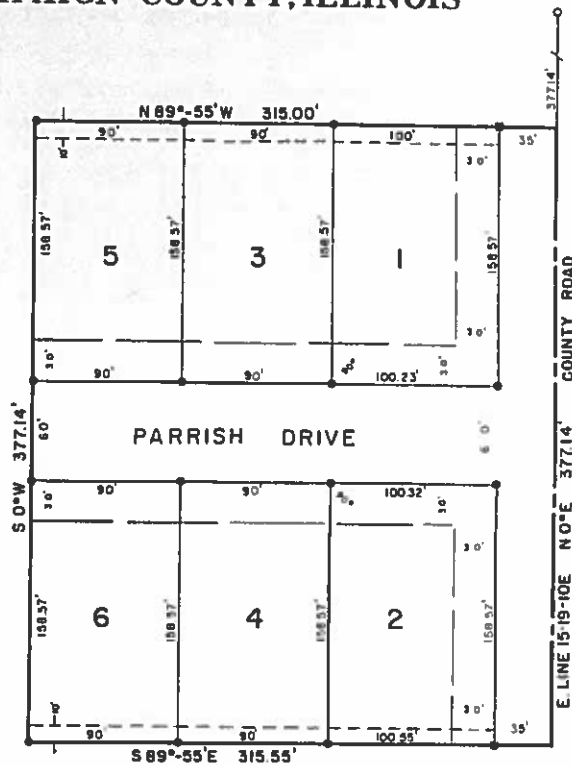
Theodore P. Hartke
Illinois Professional Land Surveyor No. 3594



Expires 11/30/20

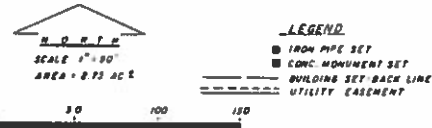
Date of Preparation: 09/04/19	PROJECT ID: 19025500
HARTKE ENGINEERING AND SURVEYING, INC. 1179 1st Ave. • P.O. Box 132 • St. Charles, IL 62618 618-326-1179 • Fax 618-326-1178	SHEET NO. 1 OF 1 SHEETS
REUSE OF DOCUMENTS THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. MODIFICATIONS OR REUSE WITHOUT THE WRITTEN APPROVAL OF HARTKE ENGINEERING AND SURVEYING, INC. IS UNAPPROVED USE AND THE SOLE RESPONSIBILITY OF THE UNAPPROVED USER.	

PLAT OF ROBERT WOLF SUBDIVISION CHAMPAIGN COUNTY, ILLINOIS



APPROVED:
THE PLAN COMMISSION OF THE VILLAGE
OF ST JOSEPH, ILLINOIS
July 7, 1966
DATE
[Signature]
CHAIRMAN

APPROVED:
THE BOARD OF TRUSTEES OF THE
VILLAGE OF ST JOSEPH, ILLINOIS
June 10, 1966
DATE
[Signature]
PRESIDENT
ATTEST [Signature]
VILLAGE CLERK



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) S. S.
COUNTY OF CHAMPAIGN)

I, CHARLES S. DANNER, a Registered Illinois Land Surveyor, Number 1470, do hereby certify that I have made a survey of the following described tract of land to wit:

beginning at a point 377.14 feet South of the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 15, Township 19 North, Range 10 East of the Third Principal Meridian, said point being on the East line of said Section 15; thence N 89°-55' W, 315.00 feet; thence South 0° W, 377.14 feet; thence South 89°-55' E, 315.55 feet to the East line of said Section 15; thence North 0° E, 377.14 feet to the place of beginning, said tract containing 2.73 acres, more or less.

I further certify that I have subdivided said tract into six (6) lots and into public streets as shown on the attached plat and that I have found and/or set the iron pipe and/or concrete monuments all as shown on the attached plat.

Said plat to be known as "Plat of Robert Wolf Subdivision, Champaign County, Illinois".

The area covered by this plat is within the 1/2 mile corporate limits of the Village of St. Joseph, Illinois.

The area covered by this plat is within 500 feet of a surface drain or water course serving a tributary area of 640 acres or more.

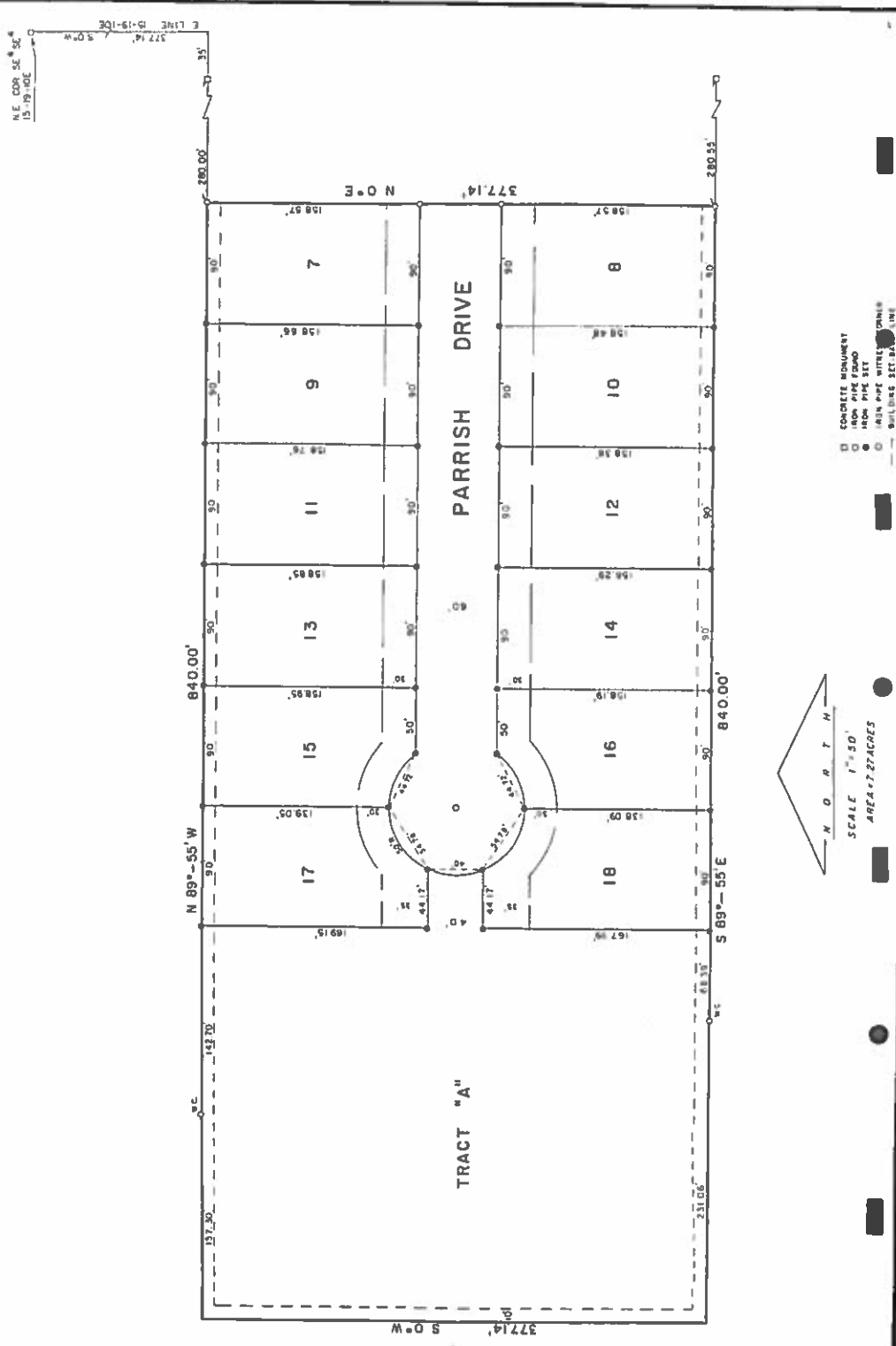
Signed and sealed this 26th day of April, A.D., 1966

CHARLES S DANNER
CONSULTING ENGINEER
URBANA, ILLINOIS
932

[Signature]
CHARLES S. DANNER
Registered Illinois Land Surveyor
Urbana, Illinois



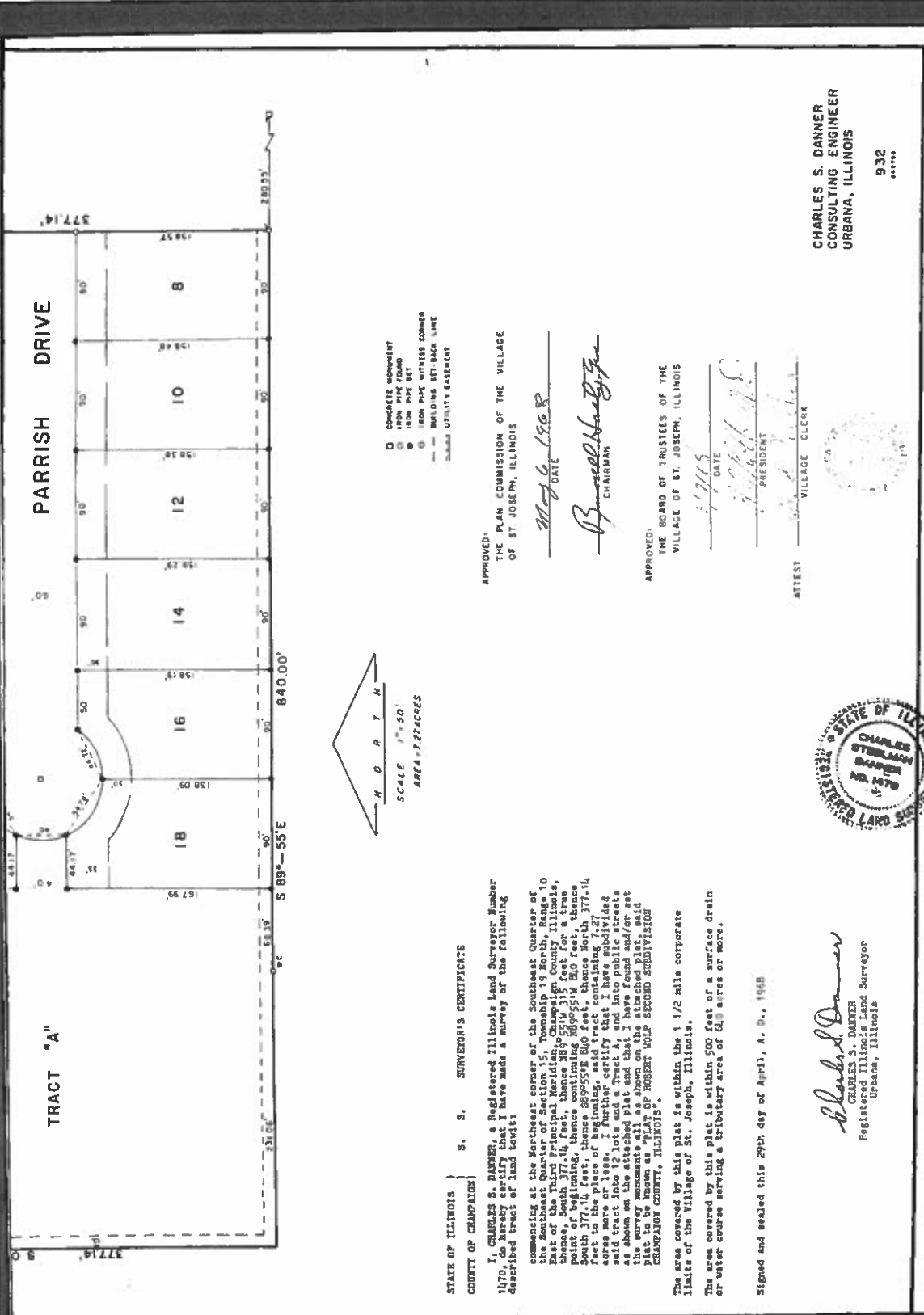
PLAT OF
ROBERT WOLF SECOND SUBDIVISION
CHAMPAIGN COUNTY, ILLINOIS



- CONCRETE MONUMENT
- IRON PIPE
- IRON PIPE SET
- IRON PIPE WITH CORNER
- BUILDING SET BACK LINE



SCALE 1" = 20'
AREA 7.27 ACRES



STATE OF ILLINOIS }
 COURT OF COMMONS } S. S. SURVEYOR'S CERTIFICATE

I, CHARLES S. DANNER, a Registered Illinois Land Surveyor Number 1470, do hereby certify that I have made a survey of the following described tract of land to-wit:

commencing at the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 15, Township 19 North, Range 10 East of the Third Principal Meridian, Champaign County, Illinois, thence South 89° 55' 14" West, 377.14 feet to a concrete monument; thence South 89° 55' 14" West, 377.14 feet to the piece of beginning, said tract containing 7.27 acres more or less. I further certify that I have subdivided said tract into lots and Tract A, and in public streets and easements, and that the monuments are as shown on the attached plat, said plat to be known as "PLAT OF ROBERT WOLF SECOND SUBDIVISION CHAMPAIGN COUNTY, ILLINOIS".

The area covered by this plat is within the 1 1/2 mile corporate limits of the Village of St. Joseph, Illinois.

The area covered by this plat is within 500 feet of a surface drain or water course serving a tributary area of 64.0 acres or more.

Signed and sealed this 29th day of April, A. D. 1968

Charles S. Danner
 CHARLES S. DANNER
 Registered Illinois Land Surveyor
 Urbana, Illinois



- CONCRETE MONUMENT
- IRON PIPE FLAG
- IRON PIPE SET
- ⊙ IRON PIPE WITNESS CORNER
- - - - - 50' UTILITY EASEMENT

APPROVED:
 THE PLAN COMMISSION OF THE VILLAGE
 OF ST. JOSEPH, ILLINOIS

DATE May 6, 1968
Robert Wolf
 CHAIRMAN

APPROVED:
 THE BOARD OF TRUSTEES OF THE
 VILLAGE OF ST. JOSEPH, ILLINOIS

DATE 5/7/68
Robert Wolf
 PRESIDENT
 VILLAGE CLERK

CHARLES S. DANNER
 CONSULTING ENGINEER
 URBANA, ILLINOIS

932
 00100

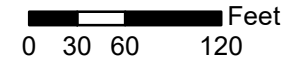
2017 Annotated Aerial

Cases 958-V-19 & 959-V-19
October 17, 2019



Legend

- Subject Property Lots
- Other Robert Wolf Sub Lots
- Special Flood Hazard Area



**VILLAGE OF ST. JOSEPH
CHAMPAIGN COUNTY, ILLINOIS**

RESOLUTION NO. 2019-5

**RESOLUTION WAIVING
REQUIREMENTS OF TITLE 11,
SUBDIVISION REGULATIONS**

Richard and Janice Walsh

WHEREAS, Richard and Janice Walsh are the owners of lots 5, 7 and 9 in Robert Wolf Sub 2 in Champaign County, Illinois, located south of St. Joseph, Illinois which are commonly known as 2190, 2192, and 2194 Parrish Dr., St. Joseph, Illinois, and which are shown as set forth in the attached Exhibit A, also identified as PIN: 28-22-15-476-008, PIN: 28-22-15-476-009 and 28-22-15-476-010 and which properties are located within the 1 ½ mile extraterritorial jurisdiction of the Village of St. Joseph; and,

WHEREAS, said owners are seeking to replat said three lots into two buildable lots; and,

WHEREAS, it is anticipated that the said subdivision (replatting three lots into two lots) will have either no or minimal effects on storm water drainage; and,

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

WHEREAS, the Board of Trustees for the Village of St. Joseph finds that said subdivision will not negatively impact surrounding property in a manner that is significantly different than if the property was not subdivided, and no other significant Village public interest is involved.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees for

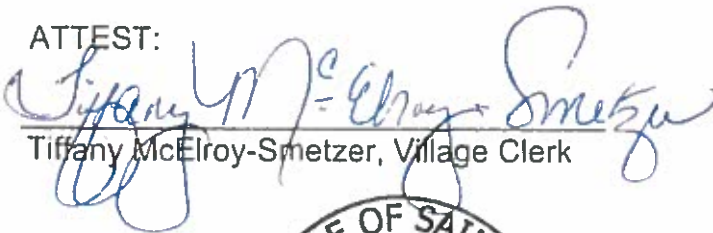
the Village of St. Joseph, Champaign County, Illinois, as follows:

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

PRESENTED, ADOPTED and APPROVED THIS 13th DAY OF August, 2019


Tami Fruhling-Voges, President

ATTEST:


Tiffany McElroy-Smetzer, Village Clerk



RECEIVED

AUG 14 2019

CHAMPAIGN CO. P & Z DEPARTMENT

Walsh, Richard K

From: Kevin Walsh <rkevinwalsh1954@gmail.com>
Sent: Tuesday, September 10, 2019 7:06 AM
To: Walsh, Richard K
Subject: Fwd: Walsh Soil Evaluation

Sent from my iPhone

Begin forwarded message:

From: R Mcleese <r.mcleese@yahoo.com>
Date: September 9, 2019 at 8:35:09 PM CDT
To: rkevinwalsh1954@gmail.com
Subject: Walsh Soil Evaluation

Kevin,

The Soil Evaluation Report for your house site at 2192 Parrish Dr., St. Joe, is attached. I am also attaching the invoice for the evaluation.

The site has a seasonal high water table around 4 1/2 feet on the west side of the lot, but that should not be an issue with system design.

Give me a call with any questions you may have. Please respond to this email to let me know that you received the report ok.

Thanks.
BobMc

Robert McLeese
Certified Professional Soil Classifier
ISCA certification #33
1076 Bucks Pond Rd

RECEIVED

SEP 10 2019

CHAMPAIGN CO P & Z DEPARTMENT

SOIL EVALUATION REPORT

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

Report prepared for: 217-390-4566
 NAME: KEVIN WALSH rkevinwalsh1954@gmail.com INVESTIGATION NO: 2019-89 DATE: Sept 9, 2019
 ADDRESS: _____ PROPERTY OWNER: Kevin Walsh
 CITY: St. Joe STATE: IL ZIP: _____ COUNTY: Champaign
 SITE LOCATION: 2192 Parrish Dr. St. Joe IL

Detailed Soil Description¹ / Interpretations - Site 1

Depth (in)	Matrix Color ²	Texture	Mottles ²	Structure	Consistence	Coatings ²	S&PT / BEDRM	Permeability & Loading Rate ³ in (G/D/FL ³)	SOIL GRP
A 0-4	10YR 3/3	lvts-sil		med fine gr	friable		265	0.75	SD
E 4-21	10YR 5/3	lvts-sil		med med platy	friable		325	0.62	SA
BE 21-26	10YR 4/4 5/3	scl lvts		med med sub	friable		265	0.75	SD
Bt 26-50	10YR 4/4	scl		med med sub	friable		265	0.75	SD
BC 50-60	10YR 4/6 5/6	sl		weak coarse sub	friable		290	0.69	SB

Limiting Layer: NONE Depth: _____ Slope: <2%
 Soil Classification: Typic Hapludalf Parent Material: Outwash
 Physiography: Outwash - Stream terrace
 Estimated Drainage Class: Well drained () observed saturation at depth (in) _____ Compaction () yes () no (depth): _____
 Remarks: none observed

Detailed Soil Description¹ / Interpretations - Site 2

Depth (in)	Matrix Color ²	Texture	Mottles ²	Structure	Consistence	Coatings ²	S&PT / BEDRM	Permeability & Loading Rate ³ in (G/D/FL ³)	SOIL GRP
A 0-5	10YR 3/3	lvts-sil		med fine sub	friable		265	0.75	SD
E 5-25	10YR 4/3	lvts-sil		med med platy	friable		325	0.62	SA
Bt 25-56	10YR 4/4 5/4	scl		med med sub	friable		265	0.75	SD
BC 56-60	10YR 4/6 5/6	sl		weak coarse sub	friable		290	0.69	SB

Limiting Layer: NONE Depth: _____ Slope: <2%
 Soil Classification: Typic Hapludalf Parent Material: Outwash
 Physiography: Outwash - Stream terrace
 Estimated Drainage Class: Well drained () observed saturation at depth (in) _____ Compaction () yes () no (depth): _____
 Remarks: none observed



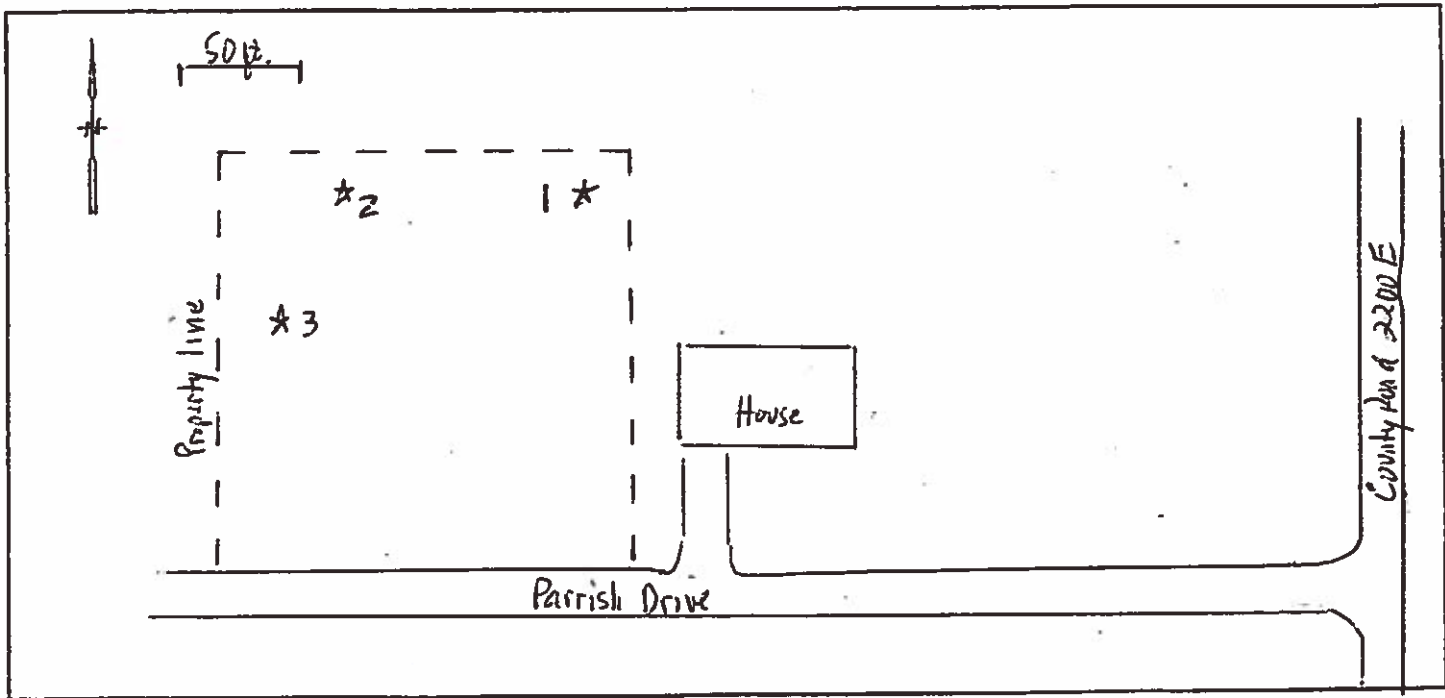
SEP 10 2019

Detailed Soil Description¹ / Interpretations - Site 3

Depth (in)	Matrix Color ²	Texture	Mottles ²	Structure	Consistence	Coatings ²	SOFT / BEDRM	Permeability & Loading Rate ³ in (G/D/FL ³)	SOIL GRA
A 0-4	10YR 5/3	lvss - sil		mod fine gr	friable	mod fine gr	265	0.75	SD
ES BE 4-31	10YR 4/3 10YR 4/4	lvss - sil scl		mod thin platy mod med sab	friable	mod med platy mod med sab	325	0.62	5A
BT 31-54	10YR 4/6	scl		mod med sab	friable	mod med sab	265	0.75	SD
BC 54-60	10YR 4/6 5/6	sl	10YR 5/2	weak mod coarse sab	friable	weak coarse sab	290	0.69	SB

Limiting Layer: Seasonal high water table Depth: 54" Slope: ~2%
 Soil Classification: Typic Hapludalf Parent Material: Outwash
 Physiography: Outwash - stream terrace
 Estimated Drainage Class: well drained - () observed saturation at depth (in) none observed Compaction () yes () no (depth):
 Remarks: moderately well

Site Map



Report Prepared By: (print name) ROBERT MCLEESE Phone: 217-621-7510
 Address: 1076 Bucks Pond Rd Monticello IL 61856 r.mcleese@yahoo.com

Signature: Robert McLeese
 ISCA Certification # 33

¹USDA Soil Survey Manual, Ag Handbook # 18, (1993)
²Soil color designations, Munsell Soil Color Charts, (1992)
³Ply Site Surface Disposal Licensing Act and Code, Illinois Department of Public Health, Appendix A Illustration M (1996)

Susan Burgstrom

From: Jeff Blackford <jblackford@c-uphd.org>
Sent: Tuesday, September 17, 2019 1:06 PM
To: Susan Burgstrom
Subject: RE: Kevin & Jan Walsh proposed replat

Susan,

If the proposed house location is accurate and there are no flood plain restrictions or other impediments not identified on this replat, there should be sufficient room for a subsurface seepage system on this lot for a three bedroom house.

Jeff Blackford, LEHP
Program Coordinator
Environmental Health Division

Champaign-Urbana Public Health District
201 W. Kenyon Road
Champaign, IL 61820

Phone: (217) 531-2919
Fax: (217) 373-7905
jblackford@c-uphd.org
www.c-uphd.org

RECEIVED

SEP 17 2019

CHAMPAIGN CO P & Z DEPARTMENT



Public Health
Prevent. Promote. Protect.

Champaign-Urbana Public Health District



This message and any attachments are for the designated recipient only and may contain privileged, proprietary, or otherwise private or confidential information. If you have received it in error please notify the sender immediately and delete the original and any copies. Any other use of the email or attachments by you are strictly prohibited.

From: Susan Burgstrom [<mailto:sburgstrom@co.champaign.il.us>]
Sent: Tuesday, September 17, 2019 8:54 AM
To: Jeff Blackford <jblackford@c-uphd.org>
Subject: Kevin & Jan Walsh proposed replat

Hi Jeff,

As we discussed by phone a few days back, here is the proposed 2 lot replat for the Walshes and the soil report, address of the existing house is 2194 Parrish Drive, St. Joseph. Proposed lot 2 already has septic. Would it be possible to get a statement from you saying whether you agree there is sufficient room for a septic system on proposed Lot 1 with a 3 bedroom home? If there is a fee involved for this review, please let me know if I should tell the Walshes.

Thanks for your time,
Susan

958-V-19 & 959-V-19 Site Images



Existing house on proposed Lot 2



Proposed Lot 1 (existing house/proposed Lot 2 at far right)

958-V-19 & 959-V-19 Site Images



NW corner of proposed Lot 1 (septic system would be in this corner)



Proposed Lot 1 at left, proposed Lot 2/existing house at right

958-V-19 & 959-V-19 Site Images



**From west end of gravel on Parrish Drive facing east
(proposed Lot 1 is at right near closest pole)**



From existing house's driveway facing west to end of Parrish Drive

PRELIMINARY DRAFT

958-V-19 and 959-V-19

**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: ***{October 17, 2019}***

Petitioners: **Kevin & Jan Walsh**

Request: **Case 958-V-19
Authorize a variance for proposed Lot 1 with a lot area of 0.563 acre and an average lot width of 150 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Case 959-V-19
Authorize a variance for proposed Lot 2 with a lot area of 0.421 acre and an average lot width of 119 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 17, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Kevin and Jan Walsh own the subject properties.
2. The subject properties are Lot 5 of Robert Wolf Subdivision and Lots 7 and 9 of Robert Wolf Second Subdivision, in the Northeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 15, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township.
 - A. The Robert Wolf Sub (which includes Lot 5) was approved by the Village of St. Joseph on June 10, 1966. The Robert Wolf Second Sub (which includes Lots 7 and 9) was approved by the Village of St. Joseph on May 2, 1968. These lots are legally non-conforming because they were created before adoption of the Zoning Ordinance on October 10, 1973, and their lot areas and lot widths are smaller than what is allowed by current Zoning Ordinance requirements.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance. The County has been coordinating the review process for these lots over the last few months.
 - (1) The Village does not have plans to annex the subject properties at this time. On August 13, 2019, the Village waived its subdivision regulations, which requires these lots to comply with County subdivision regulations.
 - B. The subject property is located within St. Joseph Township, which does have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property (combined Lots 5, 7, and 9) is 42,831 square feet (0.983 acre) and is currently zoned CR Conservation Recreation. Land use is a single family residence.
 - B. Land to the north is zoned CR Conservation Recreation and is residential in use.
 - C. Land to the west is zoned CR Conservation Recreation and is vacant.
 - D. Land to the east and south is zoned CR Conservation Recreation and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan is a Replat of Lot 5 of the Robert Wolf Sub and Lots 7 and 9 of the Robert Wolf Second Sub, received September 13, 2019, and indicates the following:
 - (1) Existing features on the subject property are:

- a. One residence on proposed Lot 2, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
 - b. A well in the rear yard of proposed Lot 2 and another in the front yard of proposed Lot 1;
 - c. The existing septic system for proposed Lot 2 is not shown on the Plat, but is located in front of the existing house.
- (2) Proposed construction consists of:
- a. A new single family residence on proposed Lot 1; and
 - b. A new septic system to be located in the northwest corner of proposed Lot 1.
- B. There is one previous Zoning Use Permit for the subject property:
- (1) ZUPA #329-74-01 was approved on November 25, 1974 for construction of a residence on Lot 9. This house was demolished in 2018.
- C. There are no previous Zoning Cases for the subject property.
- D. The required variances are as follows:
- (1) Case 958-V-19 is to authorize a variance for proposed Lot 1 with a lot area of 0.563 acre and an average lot width of 150 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.
 - (2) Case 959-V-19 is to authorize a variance for proposed Lot 2 with a lot area of 0.421 acre and an average lot width of 119 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variances:
- 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 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.

- (5) “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.
 - (6) “LOT LINES” are the lines bounding a LOT.
 - (7) “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.
 - (8) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
 - (9) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
 - (10) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
 - (11) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.
 - (12) “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.
 - 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. The minimum average lot width requirement for the CR District is established in Section 5.3 of the Zoning Ordinance as 200 feet.
- E. The minimum lot area requirement for the CR 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, **“Not aware of the lot minimum. Lots purchased at different times and have three separate deeds.”**
 - B. The petitioners purchased Lot 9 in 1994, Lot 7 in 1996, and Lot 5 in 2018. They would like to replace a house on Lot 9 that was demolished in 2018.
 - C. When the Walshes gained ownership of all three lots, for purposes of the Zoning Ordinance, they became one zoning lot under common ownership. Per Section 8.1.2, non-conforming lots of record in common ownership “shall not be used separately or conveyed to another owner which does not meet all of the dimensional, geometric, LOT ACCESS and other standards established by this ordinance unless a VARIANCE is granted by the BOARD in accordance with Section 9.1.9.”
 - D. The only house remaining is now on a common ownership lot that cannot have a second residence, so it must be divided in order for them to construct the desired second residence. The petitioners have created a Plat of Survey to divide the property into two lots, but each proposed lot needs variances in order to conform to the Zoning Ordinance.
 - E. Lots 5, 7, and 9, if owned separately since October 10, 1973, could have one single-family residence on each non-conforming lot.

- F. For both cases 958-V-19 and 959-V-19:
- (1) Regarding the variance for lot area and average lot width: the licensed Engineer who drew the Re-Plat optimized the lot area and average lot width of both proposed lots given geographical constraints of the overall subject property.
- G. Most of the Robert Wolf Second Subdivision has been considered unbuildable since 1975 due to flooding issues and insufficient lot size for the CR Zoning District. There were two previous requests to rezone Robert Wolf Second Subdivision (including Lots 7 and 9) from the CR Conservation Recreation Zoning District to the R-1 Single Family Residence Zoning District, which would have allowed a minimum lot size of 9,000 square feet and an average lot width of 80 feet:
- (1) In Case 127-AM-75, at the December 11, 1975 ZBA meeting, Chairman Compton indicated that a decision would be made on the case in January 1976. The major consideration was flood prone areas being incompatible with R-1 zoning.
 - (2) Case 149-AM-75 was a renewed attempt to rezone based on new information and Case 127-AM-75 submittals. On April 21, 1976, the County Board said that the ZBA would hold the petition until the petitioner solicited information on whether the lots were above 666 feet to allay the floodzone concerns.
 - a. In an undated letter, Byron Prugh Jr., Hydrologist with the US Department of the Interior's Geological Survey, stated that he had received the petitioner's April 2, 1976 phone request for the elevations in the subject area. He stated, "the elevation of 666 feet msl which you received from the St Joseph Planning Commission appears to be a reasonable interpretation of the flood-prone area boundary in that area."
 - b. The rezoning case was withdrawn and the subject properties remained in the CR district.
- H. Lots 5, 7, and 9 are outside the Special Flood Hazard Area per the FEMA FIRM map effective October 2, 2013.

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, "**Had thought that three lots could be three separate houses.**"
 - B. In Case 958-V-19 (proposed Lot 1, proposed house):
 - (1) Regarding the proposed variance for a lot area of 0.563 acre in lieu of the minimum required 1 acre: without the proposed variance, the petitioner would still only have one lot and could not build another house.
 - (2) Regarding the proposed variance for an average lot width of 150 feet in lieu of the minimum required 200 feet: without the proposed variance, the petitioner would still only have one lot and could not build another house.

- C. In Case 959-V-19 (proposed Lot 2, existing house):
- (1) Regarding the proposed variance for a lot area of 0.421 acre in lieu of the minimum required 1 acre: without the proposed variance, the existing house would still be legally non-conforming, but they could not build another house on these lots.
 - (2) Regarding the proposed variance for an average lot width of 119 feet in lieu of the minimum required 200 feet: without the proposed variance, the existing house would still be legally non-conforming, but they could not build another house on these lots.

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, **“No, had no idea of regulations.”**
 - B. Lots 7 and 9 were in common ownership in the early 1970s, and then sold separately starting in 1974. The lots should never have been sold separately after adoption of the Zoning Ordinance on October 10, 1973.
 - (1) The petitioners purchased Lot 9 in 1994, Lot 7 in 1996, and Lot 5 in 2018.
 - C. The remaining residence on Lot 5 was built prior to adoption of the Zoning Ordinance on October 10, 1973.

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, **“Fits with character of neighborhood – no added traffic, more separation from other structures than the rest of neighbors.”**
 - B. In Case 958-V-19 (proposed Lot 1, proposed house):
 - (1) Regarding the proposed variance for a lot area of 0.563 acre in lieu of the minimum required 1 acre: the requested variance is 56.3% of the minimum required, for a variance of 43.7%.
 - (2) Regarding the proposed variance for an average lot width of 150 feet in lieu of the minimum required 200 feet: the requested variance is 75% of the minimum required, for a variance of 25%.
 - C. In Case 959-V-19 (proposed Lot 2, existing house):
 - (1) Regarding the proposed variance for a lot area of 0.421 acre in lieu of the minimum required 1 acre: the requested variance is 42.1% of the minimum required, for a variance of 57.9%.
 - (2) Regarding the proposed variance for an average lot width of 119 feet in lieu of the minimum required 200 feet: the requested variance is 59.5% of the minimum required, for a variance of 40.5%.

- D. Regarding the proposed variance for 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 County reviewed the minimum lot area and minimum average lot width requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system. As amended, following Case 847-AT-93, the Ordinance requires a minimum lot area of 30,000 square feet (0.689 acre) and a minimum average width of 150 feet for any new lot (in other than the CR and AG-1 Districts) if there is no sanitary sewer and no public water supply. Further, if a connected public water supply system is available, Paragraph 4.3.4.B. only requires a minimum lot area of 20,000 square feet and a minimum average lot width of 100 feet.
 - (3) In regards to accommodating onsite wastewater treatment and disposal
 - a. In an email received September 10, 2019, Mr. Walsh submitted a Soil Evaluation Report by Robert McLeese, who stated, “the site has a seasonal high water table around 4-1/2 feet on the west side of the lot, but that should not be an issue with system design.”
 - b. P&Z Staff submitted the preliminary plat and the soil report to Jeff Blackford with Champaign-Urbana Public Health District. In an email received September 17, 2019, Mr. Blackford stated, “If the proposed house location is accurate and there are no flood plain restrictions or other impediments not identified on this replat, there should be sufficient room for a subsurface seepage system on this lot for a three bedroom house.”
 - (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 is in residential use. The surrounding properties are residential in use or vacant.
 - b. Separation of structures to prevent conflagration: The subject property is within the St. Joseph-Stanton Fire Protection District and the station is approximately 1.2 road miles (approximately 4 minutes in regular traffic) from the subject property. The neighboring residence east of the existing residence is approximately 15 feet away. The separation between the proposed house and the existing house would be approximately 33 feet.
 - c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.

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: **“Replace older house that was demolished.”**
- B. The St. Joseph Township Road Commissioner has been notified of this variance and no comments have been received.
- C. The St. Joseph-Stanton Fire Protection District has been notified of this variance and no comments have been received.
- D. The nearest structure on adjacent property to the existing house is a shed that is about 5 feet away. The nearest residence is about 15 feet away.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioner has testified on the application: **“Bought property (old house) in the 90s with the intent of building ‘someday.’ Purchased rental house (remaining house) not realizing the complication.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. Regarding proposed special conditions of approval:
 - A. **Within 30 days of Final Action of Cases 958-V-19 and 959-V-19, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **Variations were granted in Zoning Cases 958-V-19 and 959-V-19 to authorize a lot less than one acre in area.**
 - (2) **Because of the size of the lots, there are concerns whether replacement wastewater (septic) systems can be installed on the lots 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 lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

DOCUMENTS OF RECORD

1. Variance Application received August 23, 2019, with attachments:
 - A House plans created by Reality Drafting for proposed residence dated August 19, 2019
2. Village of St. Joseph Resolution No. 2019-5 waiving subdivision regulations for the subject property, approved August 13, 2019 and received August 14, 2019
3. Replat of Lot 5 of the Robert Wolf Sub and Lots 7 and 9 of the Robert Wolf Second Sub by Hartke Engineering received September 13, 2019
4. Plat of Robert Wolf Subdivision approved by the Village of St. Joseph on July 10, 1966 and Plat of Robert Wolf Second Subdivision approved by the Village of St. Joseph on May 7, 1968
5. Email received September 10, 2019 from Kevin Walsh, with attachment:
 - A Soil Evaluation Report by Robert McLeese dated September 9, 2019
6. Email received September 17, 2019 from Jeff Blackford, Champaign-Urbana Public Health District
7. Preliminary Memorandum dated January 19, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Replat of Lot 5 of the Robert Wolf Sub and Lots 7 and 9 of the Robert Wolf Second Sub by Hartke Engineering received September 13, 2019
 - C Plat of Robert Wolf Subdivision approved by the Village of St. Joseph on July 10, 1966 and Plat of Robert Wolf Second Subdivision approved by the Village of St. Joseph on May 7, 1968
 - D 2017 aerial photo
 - E Village of St. Joseph Resolution No. 2019-5 waiving subdivision regulations for the subject property, approved August 13, 2019 and received August 14, 2019
 - F Email received September 10, 2019 from Kevin Walsh, with attachment:
 - Soil Evaluation Report by Robert McLeese dated September 9, 2019
 - G Email received September 17, 2019 from Jeff Blackford, Champaign-Urbana Public Health District
 - H Images of Subject Property taken September 17, 2019
 - I Draft Summary of Evidence, Finding of Fact, and Final Determination dated October 17, 2019

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **958-V-19** and **959-V-19** held on **October 17, 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:}***
 - A. **Within 30 days of Final Action of Cases 958-V-19 and 959-V-19, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **Variations were granted in Zoning Cases 958-V-19 and 959-V-19 to authorize a lot less than one acre in area.**
 - (2) **Because of the size of the lots, there are concerns whether replacement wastewater (septic) systems can be installed on the lots 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 lots were created and the possible limitations regarding the replacement of wastewater systems on the properties.

FINAL DETERMINATION FOR CASE 958-V-19 (PROPOSED LOT 1)

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 **958-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Kevin and Jan Walsh**, to authorize the following variance:

Authorize a variance for proposed Lot 1 with a lot area of 0.563 acre and an average lot width of 150 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 30 days of Final Action of Cases 958-V-19 and 959-V-19, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) Variances were granted in Zoning Cases 958-V-19 and 959-V-19 to authorize a lot less than one acre in area.**
 - (2) Because of the size of the lots, there are concerns whether replacement wastewater (septic) systems can be installed on the lots 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 859-V-19 (PROPOSED LOT 2)

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 **859-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Kevin and Jan Walsh**, to authorize the following variance:

Authorize a variance for proposed Lot 2 with a lot area of 0.421 acre and an average lot width of 119 feet in lieu of the minimum required one acre in area and 200 feet average lot width in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 30 days of Final Action of Cases 958-V-19 and 959-V-19, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) Variances were granted in Zoning Cases 958-V-19 and 959-V-19 to authorize a lot less than one acre in area.**
 - (2) Because of the size of the lots, there are concerns whether replacement wastewater (septic) systems can be installed on the lots 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:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date