

**CASE 961-V-19**  
*PRELIMINARY MEMORANDUM*  
NOVEMBER 7, 2019

Petitioner: **William Shafer**

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

**Part A: Variance for a lot area of 0.7 acre with a net lot area of 0.622 acre (excluding right-of-way) in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.**

**Part B: Variance for an average lot width of 169 feet in lieu of the minimum required 200 feet, per Section 5.3 of the Zoning Ordinance.**

Subject Property: **A 0.7-acre tract in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 17 North, Range 9 East of the Third Principal Meridian in Crittenden Township, and commonly known as the residence with an address of 1382 CR 300N, Tolono**

Site Area: **0.7 acre with a net lot area of 0.622 acre (excluding right-of-way)**

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

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

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## **BACKGROUND**

Petitioner William Shafer purchased the 0.7 acre lot on May 22, 1998. The 0.7-acre lot came into common ownership by Vernon and Sondra Billman on September 14, 1993 when they purchased the 1.435 acre property surrounding the subject property. The subject property lot became illegal when it was separated from common ownership on November 17, 1994. From Item 7.B. of the Summary of Evidence dated November 14, 2019:

- (1) Edgar and Bess Mullins sold the 0.7-acre lot to Vernon and Sondra Billman on September 17, 1973, who owned it until November 17, 1994.
- (2) The 1.435-acre surrounding property was conveyed from the Estate of Bess Mullins to Premier Partners I LP and Westchester Group on November 30, 1990.
- (3) Westchester Group sold the 1.435-acre surrounding property to Vernon Billman on September 14, 1993. This is the sale that brought the two lots under common ownership.
- (4) Vernon and Sondra Billman sold the 0.7-acre property to Eric and Shirley Watkins on November 17, 1994. This is the sale that separated the two lots from common ownership, which cannot be done without a variance.

Per Section 8.1.2 of the Zoning Ordinance, 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 P&Z Department has not received any comments regarding the proposed variance. One special condition is proposed.

## EXTRATERRITORIAL JURISDICTION

The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.

The subject property is located within Crittenden Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

## EXISTING LAND USE AND ZONING

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

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

## PROPOSED SPECIAL CONDITION

- A. Within 30 days of Final Action of Case 961-V-19, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
- (1) A Variance was granted in Zoning Case 961-V-19 to authorize a lot less than one acre in area with an average lot width of 169 feet.**
  - (2) Because of the size of the lot, there is a concern whether a replacement wastewater (septic) system can be installed on the lot in the future.**
  - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
  - (4) For further information, interested parties should contact the Champaign County Department of Planning and Zoning.**

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

**That potential buyers of the property are aware of the possible limitations regarding the replacement of wastewater systems on the property.**

**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 15, 2019
- C Statement from Eric Billman dated September 14, 2019 and received September 19, 2019
- D Recorder's document number 1973R14500: Warranty Deed dated September 17, 1973, and recorded September 20, 1973
- E Images of Subject Property taken September 17, 2019
- F Draft Summary of Evidence, Finding of Fact, and Final Determination dated November 14, 2019

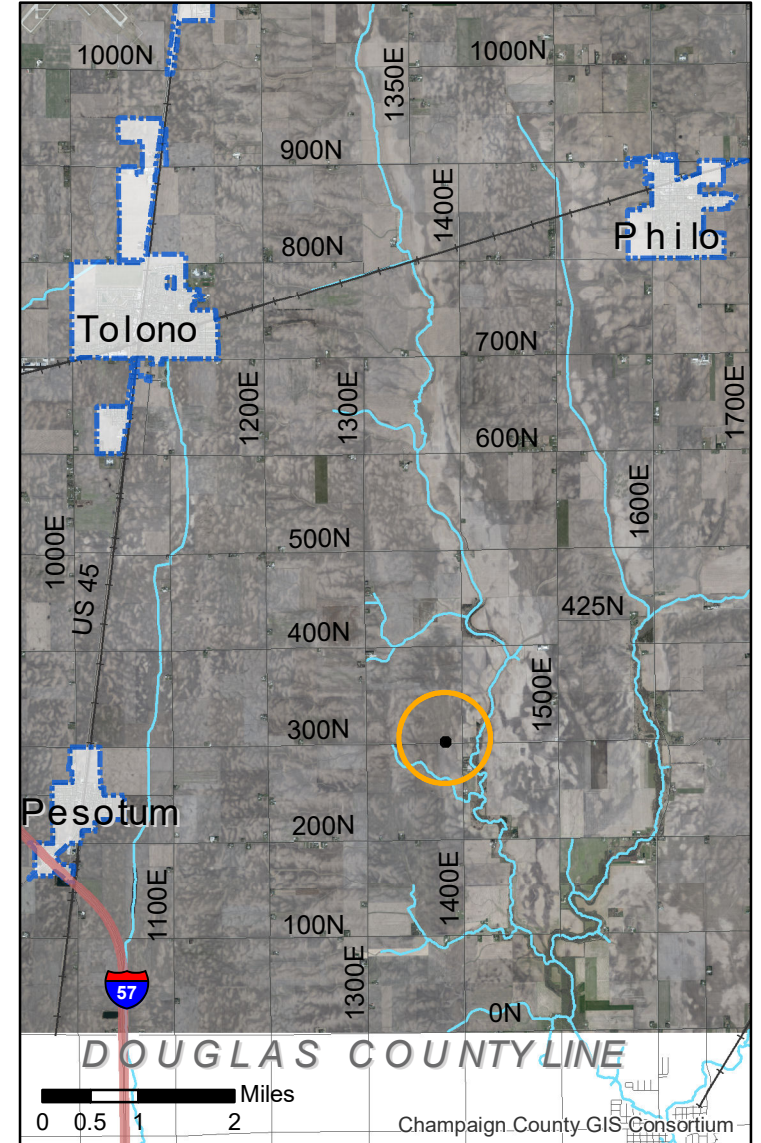
# Location Map

Case 961-V-19  
October 31, 2019





Subject Property



Property location in Champaign County



## Legend

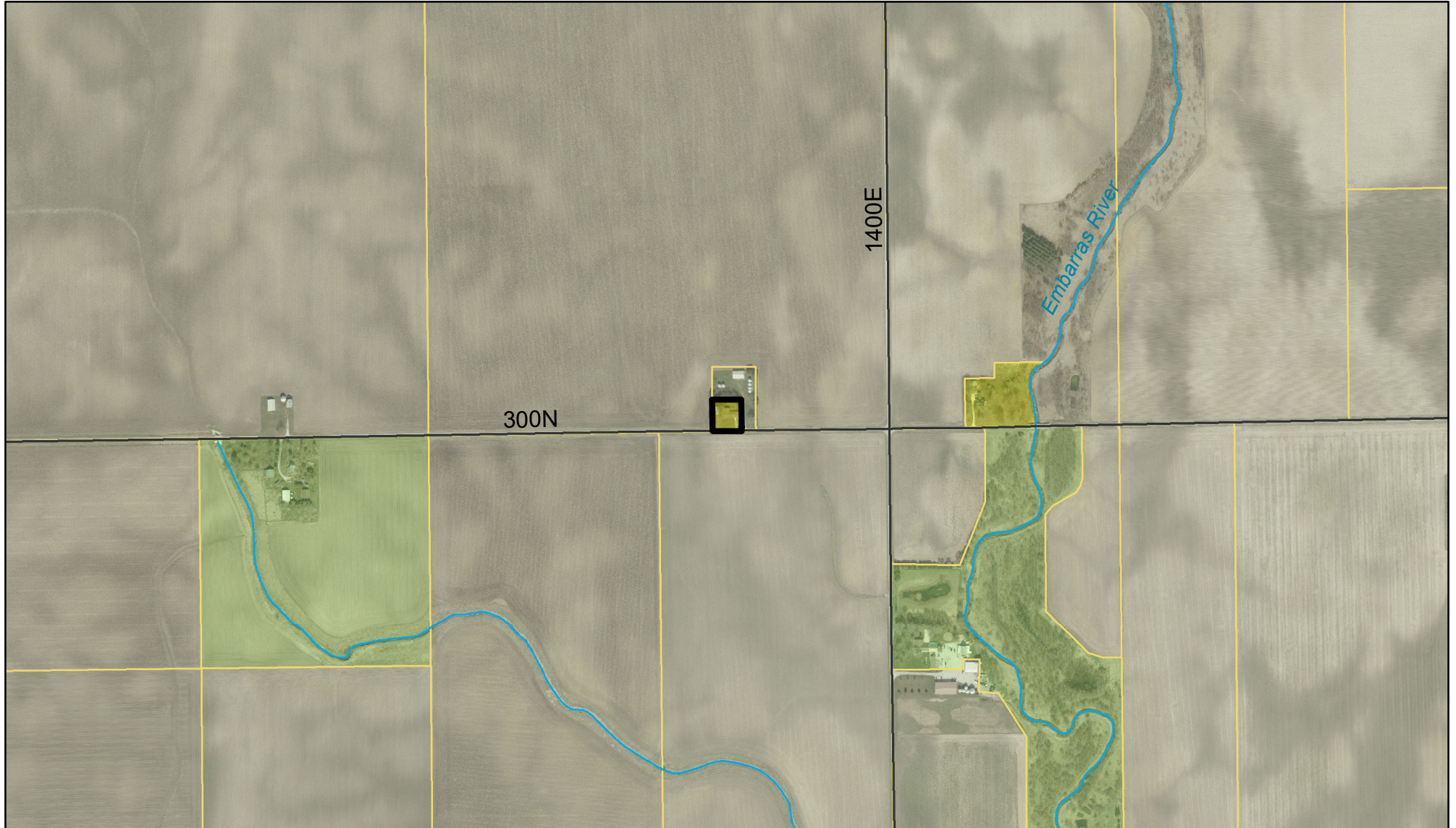
-  Subject Property
-  Special Flood Hazard Area
-  Parcels
-  Streams



Champaign County  
Department of  
PLANNING &  
ZONING

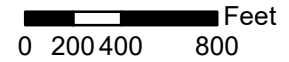
# Land Use Map

Case 961-V-19  
October 31, 2019



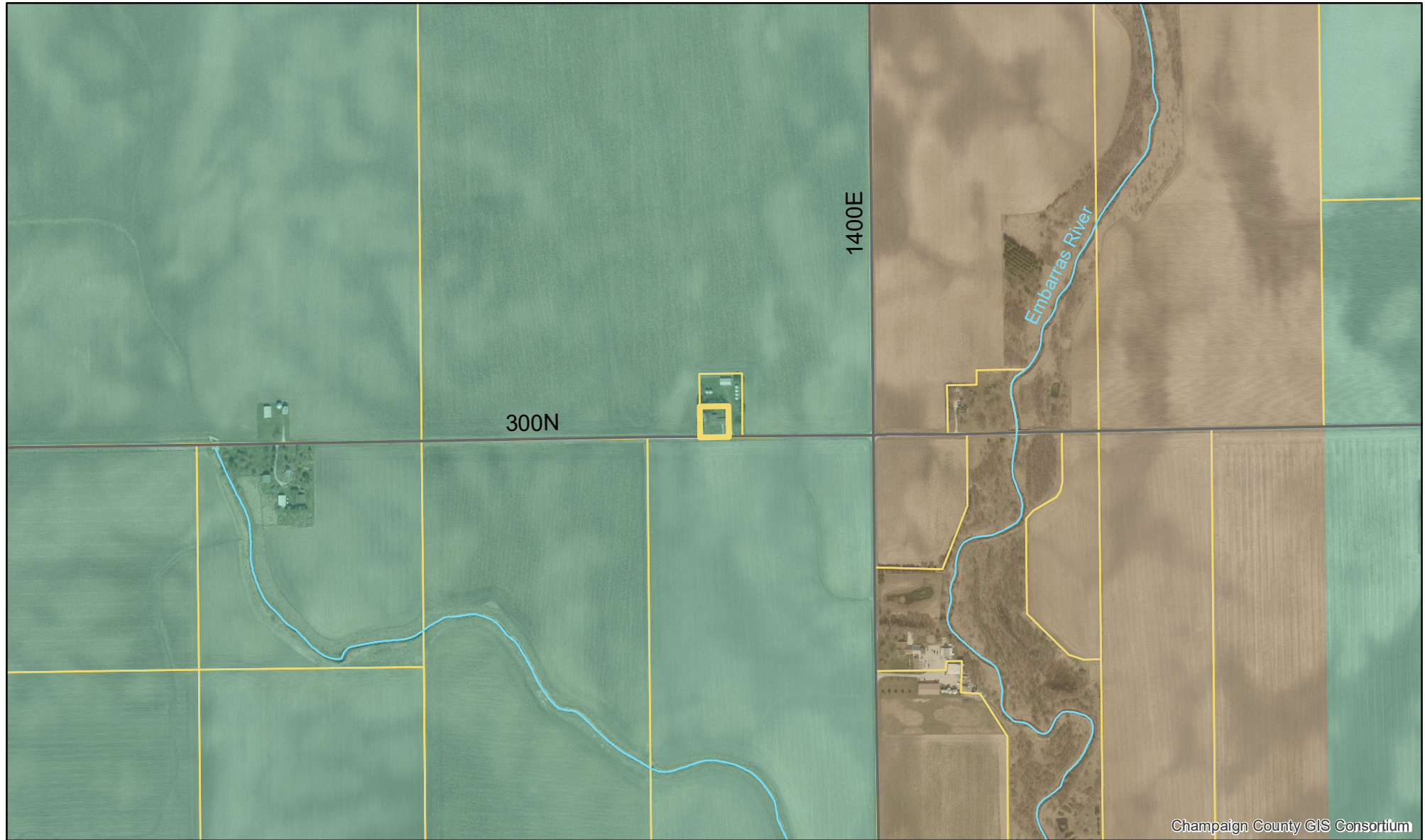
## Legend

-  Subject Property
-  Ag-Residential
-  Agriculture
-  Residential







# Zoning Map

Case 961-V-19  
October 31, 2019



## Legend

-  Subject Property
-  AG-1 Agriculture
-  Parcels
-  CR Conservation Recreation

0 200 400 800 Feet



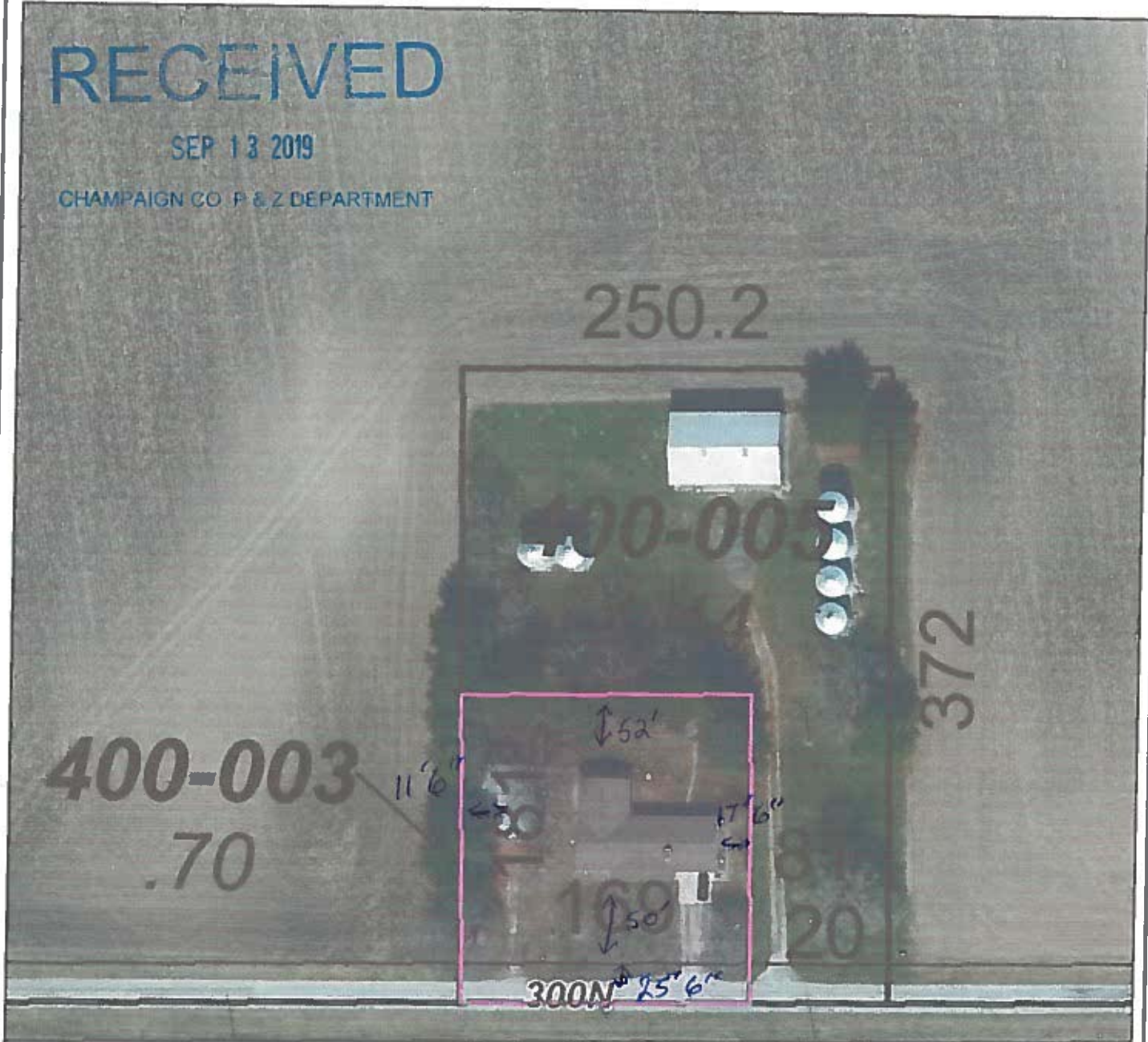
Champaign County  
Department of  
PLANNING &  
ZONING

# Aerial Map Overlay

# RECEIVED

SEP 13 2019

CHAMPAIGN CO P & Z DEPARTMENT



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entries do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.

60

Feet



MEMO

9-14-19

am not interested in selling off  
portion of my property.

Eric Billman

608 Barbara  
Tolono ill 61880

217-819-7236

Will C Shf

1582 CR 300 N Tolono

217-202-5312

RECEIVED

SEP 19 2019

CHAMPAIGN CO P & Z DEPARTMENT



WARRANTY DEED - Joint Tenancy Document No. 7-114500

THE GRANTORS, Bess R. Mullins and Edgar R. Mullins, her husband,

For Recorder's Certificate Only STATE OF ILLINOIS } CHAMPAIGN COUNTY } Filed for record in the Recorder's Office of said county.

SEP 20 1973 9 25 AM

Recorded in book 1016 of Records on page 208

Robert C. Schach Notary Public

of the Town of Coleraine, in the County of Itasca, and State of Minnesota, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration in hand paid, CONVEY and WARRANT to Vernon F. Billman and Sondra A. Billman

of the County of Champaign, State of Illinois, not in Tenancy in common, but in Joint Tenancy, the following described real estate, to-wit:

A portion of the Southeast Quarter of the Southeast Quarter of Section Seventeen (17), Township Seventeen (17) North, Range Nine (9) East of the Third Principal Meridian, more particularly described as follows: Beginning at a point on the south line of Section Seventeen (17), Township Seventeen (17) North, Range Nine (9) East of the Third Principal Meridian, said point being 848.2 feet west of the southeast corner of said Section 17; thence west, along the south line of said Section 17, 169.00 feet; thence north, along a line perpendicular to the south line of said Section 17, 181.00 feet; thence east, along a line parallel to the south line of said Section 17, 169.00 feet; thence south, along a line perpendicular to the south line of said Section 17, 181.00 feet, to the point of beginning, containing 0.702 acres, more or less, (reserving to Bess R. Mullins, her heirs and assigns, the right to use the well on said premises for farming purposes for the benefit of adjacent land owned by her) situated in the County of Champaign, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

To Have and to Hold, the above granted premises unto the said Grantees forever, not in tenancy in common, but in joint tenancy. Subject to the general taxes for 1973, easements of record and a restriction that the grantees, their heirs, successors and assigns not use the premises for any purpose other than a single family dwelling.

Dated this 17th day of Sept 1973.

Bess R. Mullins (SEAL) Edgar R. Mullins (SEAL)

Minnesota STATE OF MINNESOTA, CHAMPAIGN COUNTY, Itasca } SS.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Bess R. Mullins and Edgar R. Mullins, her husband

Notary Seal: PLACE SEAL HERE

personally known to me to be the same persons, whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act and purposes therein set forth, including the waiver of the right of homestead.

Given under my hand and Notarial Seal, this 17th day of Sept, A. D. 1973.

EDITH M. SCHACH Notary Public, Champaign County, Minnesota

Stamps 2.50

Send Tax Bill to Vernon F. Billman, Address RR1, City and State Tolson, Ill. Prepared by Stuart M. Marmel, Address Box 967, City and State Champaign, Ill.

### 961-V-19 Site Images



**Subject property house and adjacent property grain bins and farm shed**



**From CR 300N**

**PRELIMINARY DRAFT**

**961-V-19**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION  
of  
Champaign County Zoning Board of Appeals**

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Final Determination: ***{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}***

Date: ***{November 14, 2019}***

Petitioners: **William Shafer**

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

**Part A: Variance for a lot area of 0.7 acre with a net lot area of 0.622 acre (excluding road right-of-way) in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.**

**Part B: Variance for an average lot width of 169 feet in lieu of the minimum required 200 feet, per Section 5.3 of the 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 **November 14, 2019**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner William Shafer owns the subject property.
2. The subject property is a 0.7-acre tract with a net lot area of 0.622 acre (excluding road right-of-way) in the Southwest Quarter of the Southeast Quarter of the Southeast Quarter of Section 17, Township 17 North, Range 9 East of the Third Principal Meridian in Crittenden Township, and commonly known as the residence with an address of 1382 CR 300N, Tolono.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is not within the one and one-half mile extraterritorial jurisdiction (ETJ) of a municipality with zoning.
  - B. The subject property is located within Crittenden Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

***GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY***

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The subject property is 30,589 square feet (0.7 acre) and is currently zoned AG-1 Agriculture. Land use is a single family residence.
  - B. Land surrounding the subject property is also zoned AG-1 Agriculture and is in agricultural production.
  - C. There is a 1.44-acre lot which, combined with the subject property, was a farmstead. The 1.44-acre lot has a farm shed and several grain bins.

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

5. Regarding the site plan for the subject property:
  - A. The Petitioner's Site Plan, received September 13, 2019, indicates the following:
    - (1) Existing features on the subject property are:
      - a. One residence constructed in 1973-1974 (no zoning use permit on file), Assessor's record notes house was 60% complete in February 1974; and
      - b. A 33 feet by 40 feet pole shed constructed in 1984 (no zoning use permit on file).
    - (2) No new construction is proposed.
    - (3) In a phone call on October 28, 2019, Mr. Shafer stated that the septic system is located east of the attached garage, and the water well is located northeast of the house.

**PRELIMINARY DRAFT****Case 961-V-19**

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- B. There are no previous Zoning Use Permits for the subject property.
- C. There are no previous Zoning Cases for the subject property.
- D. The required variances are as follows:
  - (1) Part A: Variance for a lot area of 0.7 acre with a net lot area of 0.622 acre (excluding road right-of-way) in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.
  - (2) Part B: Variance for an average lot width of 169 feet in lieu of the minimum required 200 feet, per Section 5.3 of the 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) “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.
    - (3) “LOT LINES” are the lines bounding a LOT.
    - (4) “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.
    - (5) “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.
    - (6) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
    - (7) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
    - (8) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning BOARD of Appeals are permitted to grant.
  - B. The AG-1 Agriculture DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.

**PRELIMINARY DRAFT**

- 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 lot area requirement for the AG-1 District is established in Section 5.3 of the *Zoning Ordinance* as 1 acre, exclusive of right-of-way.
- E. The minimum average lot width requirement for the AG-1 District is established in Section 5.3 of the *Zoning Ordinance* as 200 feet.

**GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

7. Generally regarding the *Zoning Ordinance* requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Lot created before zoning.”**
    - (1) The Warranty Deed (document number 1973R14500) dated September 17, 1973, and recorded September 20, 1973, shows that Edgar and Bess Mullins sold the 0.7-acre lot to Vernon and Sondra Billman.
    - (2) The lot was therefore a non-conforming lot of record because it was created prior to the adoption of the *Zoning Ordinance* on October 10, 1973, and did not conform to the regulations and standards of the DISTRICT in which it was located.
  - B. The 0.7-acre lot came into common ownership by Vernon and Sondra Billman on September 14, 1993 when they purchased the 1.435-acre property surrounding the subject property. The 0.7-acre lot became illegal when it was separated from common ownership on November 17, 1994.
    - (1) Edgar and Bess Mullins sold the 0.7-acre lot to Vernon and Sondra Billman on September 17, 1973, who owned it until November 17, 1994.

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- (2) The 1.435-acre surrounding property was conveyed from the Estate of Bess Mullins to Premier Partners I LP and Westchester Group on November 30, 1990.
  - (3) Westchester Group sold the 1.435-acre surrounding property to Vernon Billman on September 14, 1993. This is the sale that brought the two lots under common ownership.
  - (4) Vernon and Sondra Billman sold the 0.7-acre property to Eric and Shirley Watkins on November 17, 1994. This is the sale that separated the two lots from common ownership, which cannot be done without a variance.
    - a. Per Section 8.1.2 of the Zoning Ordinance, 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.”
  - (5) Eric and Shirley Watkins sold the 0.7-acre property to the petitioner on May 22, 1998.
- C. In a statement received with the application, Mr. Eric Billman, owner of the 1.435-acre lot, said that he is not interested in selling a portion of the property.

**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, **“Property value, tax difference in value, reduces pool of prospective buyers, cannot improve.”**
  - B. Regarding the proposed variance for a lot area of 0.7 acre (0.622 acre exclusive of right-of-way) in lieu of the minimum required 1 acre: without the proposed variance, the petitioner could not make any building improvements that require a Zoning Use Permit.
  - C. Regarding the proposed variance for an average lot width of 169 feet in lieu of the minimum required 200 feet: without the proposed variance, the petitioner could not make any building improvements that require a Zoning Use Permit.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
  - A. The Petitioner has testified on the application, **“Absolutely not. Purchased in good faith, appraised, hired lawyer, Chicago Title closed on property.”**
  - B. The 0.7-acre subject property and the 1.435-acre surrounding property were in common ownership September 14, 1993 until the 0.7-acre lot sold on November 17, 1994. The lots should never have been sold separately after adoption of the Zoning Ordinance on October 10, 1973.

**PRELIMINARY DRAFT**

- (1) The petitioner purchased the subject property on May 22, 1998.

**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, **“No residence nearby, formerly a farmstead.”**
- B. Regarding the proposed variance for a lot area of 0.7 acre (0.622 acre exclusive of right-of-way) in lieu of the minimum required 1 acre: the requested variance is 62.2% of the minimum required, for a variance of 27.8%.
- C. Regarding the proposed variance for an average lot width of 169 feet in lieu of the minimum required 200 feet: the requested variance is 84.5% of the minimum required, for a variance of 15.5%.
- 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 AG-1 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. The septic system is located east of the attached garage on the subject property, and the water well is located northeast of the 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 in agricultural production.
- b. Separation of structures to prevent conflagration: The subject property is within the Pesotum Fire Protection District and the station is approximately 4.5 road miles from the subject property. The nearest residence is approximately one-quarter mile away.
- c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.



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**GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE**

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“The footprint will not change. In 21 years, there have been no issues with anyone in the area. Property does not impede any agricultural actions.”**
  - B. The Crittenden Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Pesotum Fire Protection District has been notified of this variance and 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 Petitioner has testified on the application: **“The value of the property is diminished tremendously by the current conformance to Champaign County Zoning.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

13. Regarding proposed special conditions of approval:
- A. **Within 30 days of Final Action of Case 961-V-19, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
    - (1) **A Variance was granted in Zoning Case 961-V-19 to authorize a lot less than one acre in area with an average lot width of 169 feet.**
    - (2) **Because of the size of the lot, there is a concern whether a replacement wastewater (septic) system can be installed on the lot in the future.**
    - (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
    - (4) **For further information, interested parties should contact the Champaign County Department of Planning and Zoning.**

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

**That potential buyers of the property are aware of the possible limitations regarding the replacement of wastewater systems on the property.**

***PRELIMINARY DRAFT***

**DOCUMENTS OF RECORD**

1. Variance Application received September 12, 2019, with attachment:
  - A Statement from Eric Billman dated September 14, 2019
2. Site Plan received September 15, 2019
3. Recorder's document number 1973R14500: Warranty Deed dated September 17, 1973, and recorded September 20, 1973
4. Preliminary Memorandum dated November 7, 2019, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received September 15, 2019
  - C Statement from Eric Billman dated September 14, 2019 and received September 19, 2019
  - D Recorder's document number 1973R14500: Warranty Deed dated September 17, 1973, and recorded September 20, 1973
  - E Images of Subject Property taken September 17, 2019
  - F Draft Summary of Evidence, Finding of Fact, and Final Determination dated November 14, 2019

**PRELIMINARY DRAFT****Case 961-V-19**

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**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **961-V-19** held on **November 14, 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 Case 961-V-19, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
    - (1) **A Variance was granted in Zoning Case 961-V-19 to authorize a lot less than one acre in area with an average lot width of 169 feet.**
    - (2) **Because of the size of the lot, there is a concern whether a replacement wastewater (septic) system can be installed on the lot in the future.**
    - (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
    - (4) **For further information, interested parties should contact the Champaign County Department of Planning and Zoning.**

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

**That potential buyers of the property are aware of the possible limitations regarding the replacement of wastewater systems on the property.**

**PRELIMINARY DRAFT**

**FINAL DETERMINATION FOR CASE 961-V-19**

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 **961-V-19** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioner, **William Shafer**, to authorize the following variance in the AG-1 Agriculture Zoning District:

**Part A: Variance for a lot area of 0.7 acre (0.622 acre exclusive of right-of-way) in lieu of the minimum required 1 acre, per Section 5.3 of the Zoning Ordinance.**

**Part B: Variance for an average lot width of 169 feet in lieu of the minimum required 200 feet, per Section 5.3 of the Zoning Ordinance.**

*{SUBJECT TO THE FOLLOWING CONDITION(S):}*

- A. Within 30 days of Final Action of Case 961-V-19, the petitioner shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
  - (1) A Variance was granted in Zoning Case 961-V-19 to authorize a lot less than one acre in area with an average lot width of 169 feet.**
  - (2) Because of the size of the lot, there is a concern whether a replacement wastewater (septic) system can be installed on the lot in the future.**
  - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
  - (4) For further information, interested parties should contact the Champaign County Department of Planning and Zoning.**

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

SIGNED:

ATTEST:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date