

CASE NO. 026-V-21

PRELIMINARY MEMORANDUM
DECEMBER 21, 2021

Petitioner: **JoAnn Wozniak, via agent Louis Wozniak**

Request: **Authorize a variance for a proposed 20.32-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Subject Property: **Lot 2 of the proposed Country Oak Acres Subdivision that is part of a 25.47-acre tract in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in Mahomet Township, commonly known as the farm ground west of the intersection of CR 500E and CR 2550N, Mahomet.**

Site Area: **20.32 acres**

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

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

BACKGROUND

The petitioner seeks to split a 20.32-acre tract from an existing 25.47-acre tract that is currently in agricultural production. The remaining 5.15 acres would be combined with 5.03 acres to the north, subject to the variance in Case 027-V-21. The 20.32-acre tract is Lot 2 of the proposed Country Oak Acres Subdivision, and the 10.17 acre tract is Lot 1. The petitioner anticipates that both lots would eventually have a residence, but the majority of the land would remain in agricultural production.

The lot split needs a variance from the County for creating a lot greater than three acres on Best Prime Farmland; Attachment C shows the soil types on the subject property and their relative Land Evaluation score. Best prime soils comprise 14% of the soils on the proposed 20.32-acre tract, which meets the definition of Best Prime Farmland.

P&Z Staff have determined that a 20.32-acre lot in a different configuration would increase the amount of Best Prime Farmland to 24%, thus preserving a larger tract of best prime soils for agricultural production. If the petitioner wants to split the land, a variance in this case would be needed either way, but the alternative configuration suggested by P&Z Staff would negate the need for the variance in Case 027-V-21. Therefore, P&Z Staff recommend denial of this variance because the requested variance is not the minimum variation that will make possible the reasonable use of the land. Attachment D is a letter sent by P&Z Staff to the petitioners in both zoning cases explaining this concept on October 18, 2021.

The P&Z Department has not received any comments regarding the proposed variance. Staff proposes one special condition 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 generally are not notified of such cases.

The proposed Country Oak Acres Subdivision requires approval from the Village of Mahomet. The Village has a minimum 10-acre lot size for an Agricultural Subdivision, and requires that residences be built closer to the road, which helps achieve the County's desire to preserve large blocks of land in agricultural production.

The subject property is located within Newcomb 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

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Residential	AG-1 Agriculture/ CR Conservation-Recreation
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITION

In a letter received December 6, 2021, Mr. Wozniak stated, "As landowners, my spouse and I realize the contribution that farmland makes to our country and to the world. While appreciative of a usual variance, we seek more. In order to preserve the contribution by future landowners, we ask that the variance, if permitted, be restricted in size and location. Since the least productive farmland is located near the east border, we ask that the variance be limited to two acres of square or rectangular residential real estate with its east side abutting the permitted west side of C.R.S00E and extending no more than 300 feet westward."

Susan Burgstrom contacted Mr. Wozniak to clarify this statement, and he said that he wanted to ensure that a house built in the future would be close to the road rather than in the middle of the farmland in order to preserve the farmland. Ms. Burgstrom indicated that a special condition could be recommended for the Board's consideration to require a house to be built on the east end of the property.

P&Z Staff offer the following special condition for consideration by the Board:

- A. If a residence will be constructed on the 20.32 acre property, it shall be built on the easternmost 300 feet of the property.**

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

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

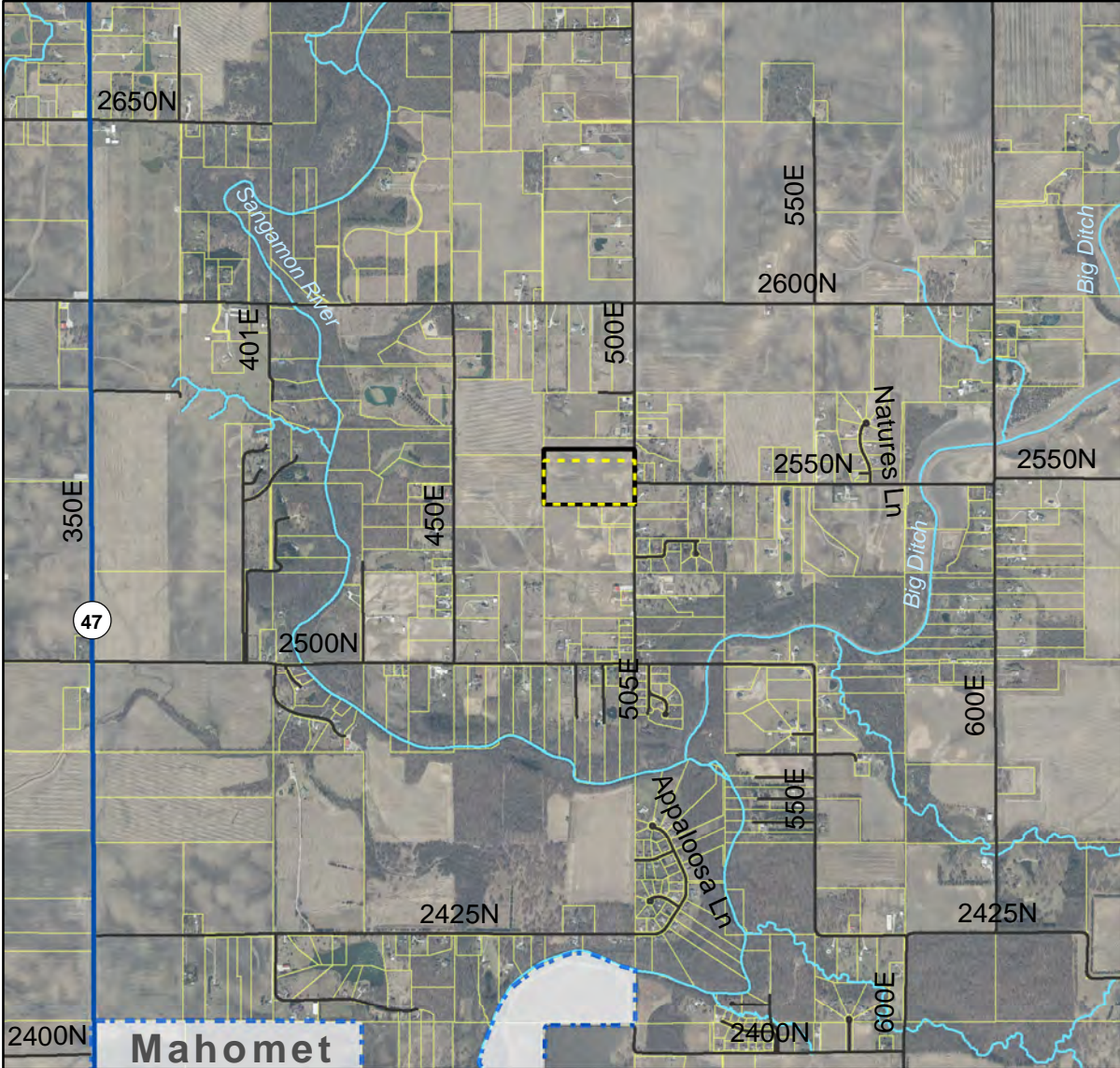
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 21, 2021
- C 2020 aerial photo with soil types overlay created by P&Z Staff on November 30, 2021
- D Letter from P&Z Staff to Louis Wozniak and George Poulos dated October 18, 2021, with attachment: map of alternative lot configuration
- E Site Images taken November 30, 2021
- F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 026-V-21 dated December 30, 2021

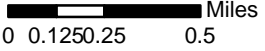
Location Map

Case 026-V-21
December 30, 2021

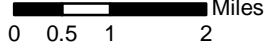
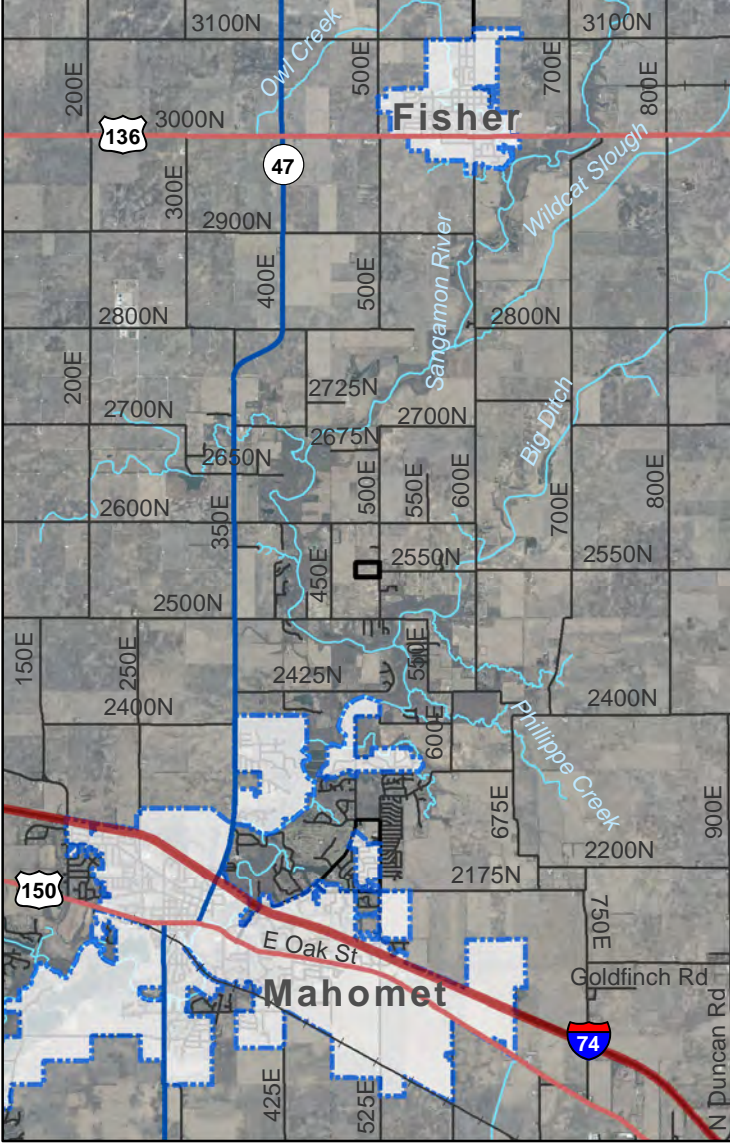
Subject Property



-  Subject Property
-  Parcels
-  20-acre proposed lot
-  Municipal Boundary



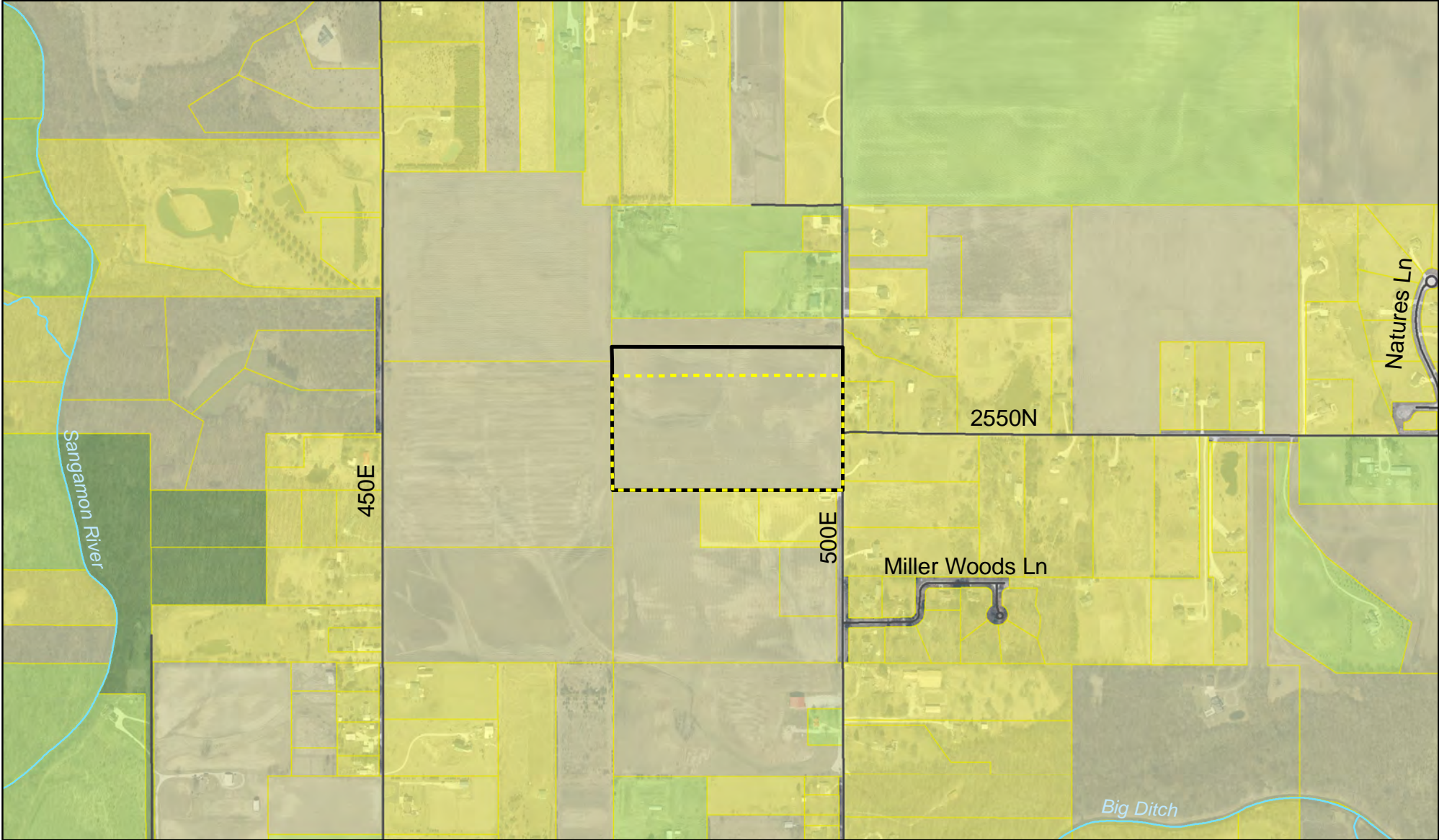
Property location in Champaign County



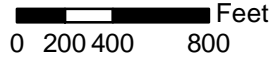
Champaign County
Department of
**PLANNING &
ZONING**

Land Use Map

Case 026-V-21
December 30, 2021



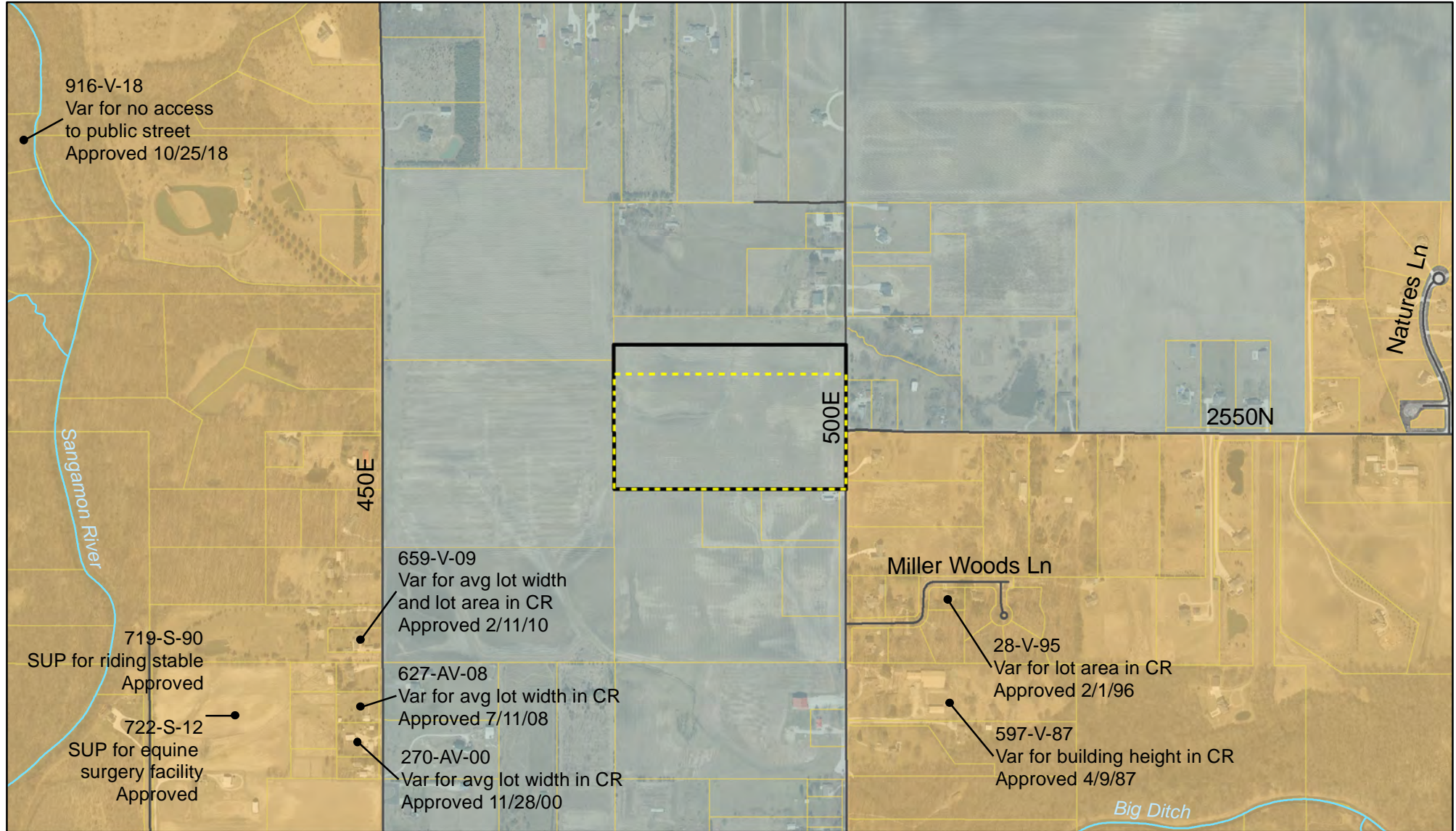
- Subject Property
- 20-acre proposed lot
- Parcels
- Agriculture
- Ag/Residential
- Residential
- Tax Exempt



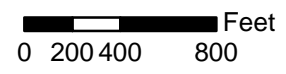
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Department of
**PLANNING &
ZONING**

Zoning Map

Case 026-V-21
December 30, 2021



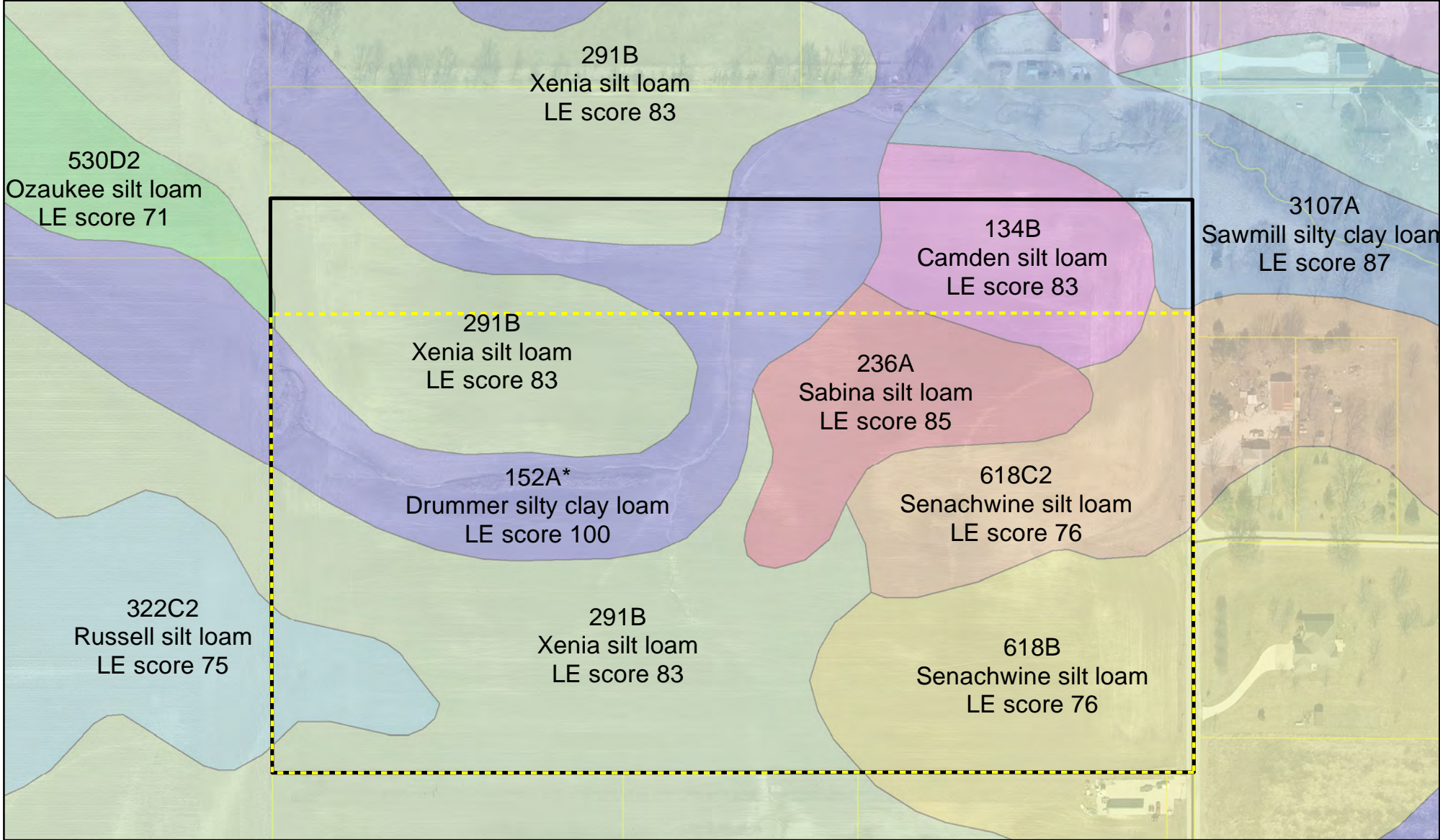
- Subject Property
- 20-acre proposed lot
- Parcels
- CR Conservation Recreation
- AG-1 Agriculture



Champaign County
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**PLANNING &
ZONING**

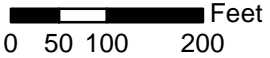
Soils

Case 026-V-21
December 30, 2021



- 20-acre proposed lot
- Subject Property
- Parcels

*152A Drummer soil is only Best Prime Farmland soil on property



FILE COPY

Champaign County
Department of

**PLANNING &
ZONING**

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

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

October 18, 2021

Lou Wozniak
401C CR 2425N
Mahomet, IL 61853

George Poulos
2563 CR 500E
Mahomet, IL 61853

RE: Variances requested for proposed lots greater than three acres in area on Best Prime Farmland

Dear Mr. Wozniak and Mr. Poulos:

The Champaign County Zoning Board of Appeals has received each of your petitions for a Variance under the Champaign County Zoning Ordinance as follows:

Case 026-V-21 (Wozniak)

Authorize a variance for a proposed 20.47-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance, on the following property:

Part of a 25.47-acre tract in the East Half of Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in Mahomet Township.

Case 027-V-21 (Poulos)

Authorize a variance for a proposed 10-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance, on the following property:

A 5-acre tract and 5 acres of the adjacent 25.47-acre tract in the East Half of Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in Mahomet Township.

I have concerns that the Zoning Board of Appeals may deny your applications for a variance because they do not represent the minimum possible variance for a lot that can be created on this land, which is a requirement for approving a variance.

The desired acreage Mr. Wozniak would like to split off for the Poulos family can be achieved by trading 10 acres of land along the frontage of CR 500E that would not be comprised of Best Prime Farmland – see enclosed map.

Mr. Wozniak would still need a variance for creating a 20.3-acre lot on Best Prime Farmland, but the Poulos family would not because less than 10% of the 10-acre lot as shown on the map would be Best Prime Farmland.

In addition, Mr. Wozniak could create up to one more 3-acre lot from the 20.3 acres without needing a Rural Residential Overlay (RRO) or a variance for our Department, but it is unclear how this would fit with Village of Mahomet subdivision regulations.

Cases 026-V-21 & 027-V-21
October 8, 2021
Page 2

We will keep both cases on the December 2, 2021 ZBA meeting docket unless we hear that your proposal has changed. We can issue a refund for a case up until we place the legal notice for the meeting, so in order to issue a refund, we would need hear from you no later than Friday, November 15, 2021.

I would be happy to discuss this idea with you in more detail.

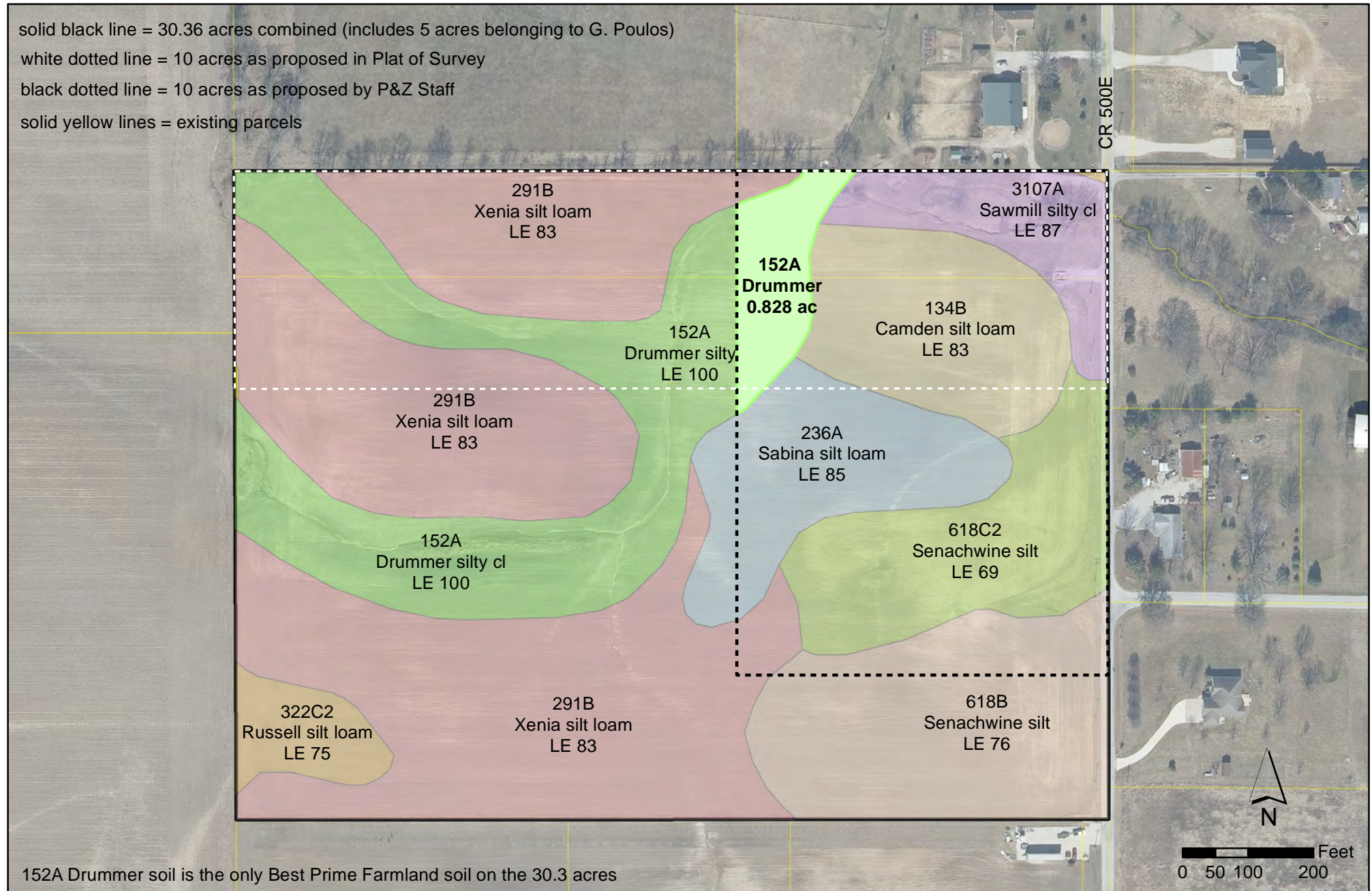
Sincerely,



John Hall
Zoning Administrator

Alternative Lot Split based on soil type

Prepared by P&Z Staff on October 8, 2021



026-V-21 & 027-V-21 Site Images



From CR 550E facing NW to north end of subject properties



From CR 550E facing west on north end of subject properties

026-V-21 & 027-V-21 Site Images



From CR 550E facing SW



From CR 550E facing NW from south end of subject properties

PRELIMINARY DRAFT

026-V-21

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

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

Date: ***{December 30, 2021}***

Petitioners: **JoAnn Wozniak, via agent Louis Wozniak**

Request: **Authorize a variance for a proposed 20.32-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **December 30, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner owns the subject property.
2. The subject property is Lot 2 of the proposed Country Oak Acres Subdivision that is part of a 25.47-acre tract in the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in Mahomet Township, commonly known as the farm ground west of the intersection of CR 500E and CR 2550N, Mahomet.
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 generally are not notified of such cases.
 - B. The subject property is located within Newcomb Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and 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 proposed 20.32-acre tract is zoned AG-1 Agriculture and is in agricultural production.
 - B. Land to the north, south and west is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the east is zoned AG-1 Agriculture and 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 Site Plan received on September 21, 2021 is a Plat of Survey for the Country Oak Acres Subdivision, which is land in agricultural production.
 - B. There are no prior Zoning Use Permits for the subject property.
 - C. There are no prior Zoning Cases on the subject property.
 - D. The requested variance is for a lot size of 20.32 acres in lieu of the maximum area of 3 acres for lots on soils that are best prime farmland, per Section 5.3 of the Zoning Ordinance.

PRELIMINARY DRAFT**Case 026-V-21**

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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 variance (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.
 - (4) “BY RIGHT” is a term to describe a USE permitted or allowed in the DISTRICT involved, without review by the BOARD or GOVERNING BODY, and complying with provisions of the Zoning Ordinance and with other applicable ordinances and regulations.
 - (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (6) “LOT LINES” are the lines bounding a LOT.

PRELIMINARY DRAFT

- (7) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- 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.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

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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 testified the following on the application: **“Lot is 20 acres of unimproved farmland, surrounded on C.R. 500 E with single family homes on larger or smaller lots with or without farming operations. The lot is rectangular with 657.6 ft frontage on the West side of C.R. 500 E. It slopes to north on the north half, and is flat to the south and west. There are no trees or waterways. The property is ideal for someone who wishes to live on and operate a small farm.”**
- B. Regarding the soils that make up the subject property:
- (1) The soil on the proposed 20.32-acre lot is BEST PRIME FARMLAND. It consists of 291B Xenia silt loam, 152A Drummer silty clay loam, 236A Sabina silt loam, 618B Senachwine silt, 618C2 Senachwine silt, 134B Camden silt loam, 322C2 Russell silt loam, and 530D2 Ozaukee silt loam, and has an average LE of 83.
 - a. Best prime soils comprise 14% of the soils on the proposed tract, which meets the definition of Best Prime Farmland.
 - (2) The petitioner seeks to combine a 5-acre tract to the north with the 25.47-acre and then split the total 30.5-acre tract into one 10.177-acre tract that is the subject of current variance case 027-V-21, and one 20.32-acre tract that is the subject of this variance case 026-V-21. The variance applications suggest that each proposed lot would eventually have one residence.
 - (3) P&Z Staff have determined that a 20.32-acre lot in a different configuration would increase the amount of Best Prime Farmland to 24%, thus preserving a larger tract of best prime soils for agricultural production.
- C. Any lot split must be approved by the Village of Mahomet per their subdivision regulations.
- (1) The 5-acre tract to the north was created without authorization from the Village of Mahomet; in order to build on it, subdivision authorization from the Village is required.
 - (2) The minimum lot size for a rural subdivision in Mahomet’s subdivision jurisdiction is 10 acres.
 - (3) Mahomet’s subdivision regulations require any residence to be built closer to the road, which reflects the County’s desire to conserve large areas of farmland.
 - a. In a letter received December 6, 2021, Mr. Wozniak stated, “As landowners, my spouse and I realize the contribution that farmland makes to our country and to the world. While appreciative of a usual variance, we seek more. In order to preserve the contribution by future landowners, we ask that the variance, if permitted, be restricted in size and location. Since the least productive farmland is located near the east border, we ask that the variance be limited to two acres of square or rectangular residential real

PRELIMINARY DRAFT

estate with its east side abutting the permitted west side of C.R.S00E and extending no more than 300 feet westward.”

- b. Susan Burgstrom contacted Mr. Wozniak to clarify this statement, and he said that he wanted to ensure that a house built in the future would be close to the road rather than in the middle of the farmland in order to preserve the farmland. Ms. Burgstrom indicated that a special condition could be recommended for the Board’s consideration to require a house to be built on the east end 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 Petitioners testified the following on the application: **“Stand-alone small farms are an asset to the area because they blend in well with both its agricultural and rural settings. As the size of farms increases, it becomes difficult to find tenants that consider it worthwhile to operate stand-alone small farms.”**
 - B. The petitioner could construct one residence and keep the land in production without the proposed variance.

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

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioners testified the following on the application: **“No. I sold 10 acres to my north neighbor who wants it to grow hay for his horses. He is also seeking a variance because his 14-year-old son wants to farm there. After owning the acreage for 12 years, Mahomet extended its extraterritorial jurisdiction two years ago to include the target lot. Apparently, while published, no prior notice was sent to affected property owners. The County continues with overlay and Mahomet failed to disclose the situation. Therefore, the lot's creation did not follow proper procedures in effect at the title of sale. No physical character of the lot was altered, and row crops continue.”**
 - B. The petitioner would like to configure the lot as shown in the proposed Country Oak Acres Subdivision, despite being notified by a letter from P&Z Staff dated October 18, 2021 that a different configuration could be achieved that increases the amount of Best Prime Farmland on an alternative 20.32-acre lot.
 - (1) If the petitioner wants to split the land, a variance in this case would be needed either way, but the alternative configuration suggested by P&Z Staff would negate the need for the variance in Case 027-V-21.

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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: **“As cited above, the agricultural nature of the area of the lots with requested variance will not be altered, preserving best farmland located well to the west of a home site for its future land owner.”**
 - 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 20.32-acre lot area is 677% of the required three acre maximum, for a variance of 577%.
 - E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioners testified the following on the application: **“The Mahomet fire station is five miles from the site where the well maintained oil and chip county road frontage is adequate to accommodate emergency vehicles. The farm is not tiled to my knowledge, since it slopes. But tiles encountered during home construction, if any, will be rerouted. The variance will have no more effect on the surrounding properties than the present normal residences, in fact less, due to expected infrastructure improvements. Granting the requested variance will work to support, rather than injure public health, and welfare because two more homes in that location will make it more probable that Sangamon Valley will bring public water lines to the area. I understand preliminary feasibility analysis is being carried out at this time.”**
 - B. The Newcomb Township Highway Commissioner has been notified of this variance, and no comments have been received.
 - C. The Newcomb Township Supervisor has been notified of this variance, and no comments have been received.
 - D. The Cornbelt Fire Protection District has been notified of this variance, and no comments have been received.

PRELIMINARY DRAFT

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 requested variance should be granted mainly because it enhances rural living without decrement to our County's valuable farmland.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
 - A. **If a residence will be constructed on the 20.32 acre property, it shall be built on the easternmost 300 feet of the property.**

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

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

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Case 026-V-21
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DOCUMENTS OF RECORD

1. Application for Variance received October 7, 2021
2. Site Plan received September 21, 2021
3. Preliminary Memorandum dated December 21, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received September 21, 2021
 - C 2020 aerial photo with soil types overlay created by P&Z Staff on November 29, 2021
 - D Letter from P&Z Staff to Louis Wozniak and George Poulos dated October 18, 2021, with attachment: map of alternative lot configuration
 - E Site Images taken November 30, 2021
 - F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 026-V-21 dated December 30, 2021

PRELIMINARY DRAFT**SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **026-V-21** held on **December 30, 2021**, 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:
 - a. ***Any lot split must be approved by the Village of Mahomet per their subdivision regulations.***
 - (1) ***The 5-acre tract to the north was created without authorization from the Village of Mahomet; in order to build on it, subdivision authorization from the Village is required.***
 - (2) ***The minimum lot size for a rural subdivision in Mahomet's subdivision jurisdiction is 10 acres.***
 - (3) ***Mahomet's subdivision regulations require any residence to be built closer to the road, which reflects the County's desire to conserve large areas of farmland.***
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:
 - a. ***The petitioner could construct one residence and keep the land in production without the proposed variance.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***The petitioner would like to configure the lot as shown in the proposed Country Oak Acres Subdivision, despite being notified by a letter from P&Z Staff dated October 18, 2021 that a different configuration could be achieved that increases the amount of Best Prime Farmland on an alternative 20.32-acre lot.***
 - (1) ***If the petitioner wants to split the land, a variance in this case would be needed either way, but the alternative configuration suggested by P&Z Staff would negate the need for the variance in Case 027-V-21.***
4. The requested variance ***{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***The 20.32-acre lot area is 677% of the required three acre maximum, for a variance of 577%.***
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:
 - a. ***Relevant jurisdictions have been notified of this case, and no comments have been received.***
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:

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- a. *The petitioner would like to configure the lot as shown in the proposed Country Oak Acres Subdivision, despite being notified by a letter from P&Z Staff dated October 18, 2021 that a different configuration could be achieved that increases the amount of Best Prime Farmland on an alternative 20.32-acre lot.*
 - (1) *A variance in this case would be needed either way, but the alternative suggested by P&Z Staff would negate the need for the variance in Case 027-V-21.*

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

- A. **If a residence will be constructed on the 20.32 acre property, it shall be built on the easternmost 300 feet of the property.**

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

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

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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 **026-V-21** is hereby ***{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}*** to the petitioner, **JoAnn Wozniak**, to authorize the following:

Authorize a variance for a proposed 20.32-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. If a residence will be constructed on the 20.32 acre property, it shall be built on the easternmost 300 feet of the property.**

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