

CASE NO. 026-V-21

**SUPPLEMENTAL MEMORANDUM #1
DECEMBER 30, 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**

STATUS

P&Z Staff received the following documents since the Preliminary Memorandum was sent on December 20, 2021:

- A letter from Village of Mahomet Staff on December 21, 2021 (Attachment A).
- A document from Lou Wozniak on December 28, 2021 (Attachment B).
- A letter from neighbor Jim Eagan on December 29, 2021 (Attachment C).

ATTACHMENTS

- A Letter from Village of Mahomet Staff received December 21, 2021
- B Document from Lou Wozniak received December 28, 2021
- C Letter from Jim Eagan received December 29, 2021

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

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



RECEIVED

DEC 21, 2021

**CHAMPAIGN COUNTY
PLANNING & ZONING**

503 E. Main Street - P.O. Box 259
Mahomet, IL 61853-0259
phone (217) 586-4456
www.mahomet-il.gov

TO: Champaign County Zoning Board of Appeals
FROM: Abby Heckman, Planner
Community Development Department
RE: Case 026-V-21 Wozniak and Case 027-V-21 Poulos

Village of Mahomet rules related to subdivision appear to be in conflict with Champaign County zoning rules. The Village has a subdivision process (§ 154.050 AGRICULTURAL SUBDIVISION) with the purpose of allowing agricultural land to divide without the requirement to improve the existing public right-of-way frontage of the land. Eligibility requirements for use of the Village Agricultural Subdivision process require the creation of lots of ten (10) acres or more. The creation of lots smaller than ten (10) acres would require the use of one of the other Village subdivision processes. All other Village subdivision processes require improvement to existing adjacent public infrastructure as well as the installation of infrastructure that does not yet exist, such as sidewalks, stormwater drainage and water / sanitary sewer mains. The Village offers a Fees in Lieu of Construction payment option to satisfy infrastructure requirements without the subdivider having to install the infrastructure if the subdivider prefers not to install the infrastructure themselves but infrastructure costs are significant.

It is Village staff's understanding that County staff provided the applicant a possible lot configuration layout to avoid the Best Prime Farmland areas that could comply with County Zoning but would not meet the eligibility criteria to use the Village Agricultural Subdivision procedure. Village staff believes the intent of County Zoning to protect certain areas of farmland could be achieved with specific Owner's Certificate language while allowing the applicant to use the Agricultural Subdivision procedure.

The Village is willing to facilitate language in the Owner's Certificate that would allow the establishment of a home on the two (2) proposed agricultural lots but could limit the location of the home and associated yard to an area of the lot that is not Best Prime Farmland and include a commitment to keep the remaining land in agricultural production.

Owner's Certificate language could include:

- Limiting the yard land area around the established home.
- Limiting the location of the established home and yard to an area that is not considered Best Prime Farmland.
- Including a statement that the remaining land area outside of the area associated to the home and yard must stay in agricultural production.

Village staff supports approval of the variance requests with the inclusion of language in the Subdivision Owner's Certificate to restrict the location and land area of any established home and associated yard to an area of the land not considered Best Prime Farmland.

Below is related language copied from the Village of Mahomet Subdivision Control Ordinance:

§ 154.016 DEFINITIONS

FARMSTEAD. The buildings and adjacent service areas of a farm, including a single family dwelling, grain storage buildings, livestock barns, machinery storage buildings, and other similar features.

§ 154.028 ZONING.

(B) If the proposed subdivision lies outside the village limits of the village, but within the extraterritorial jurisdictional area, then the developer must first satisfy the zoning requirements in "Champaign County Zoning Ordinance", or the "Piatt County Zoning Ordinance" as adopted and as amended.

§ 154.050 AGRICULTURAL SUBDIVISION.

(A) Purpose. The agricultural subdivision review and approval process is intended to expedite and to minimize public and private costs for the review of subdivisions which have no required public improvements, which have little or no existing public improvements, which will not negatively impact surrounding property in a manner significantly different that if the property had not been subdivided, which are used exclusively for agricultural purposes only, and thus which do not require the Plan and Zoning Commission and the Board of Trustees to make policy decisions.

(B) Introduction. The agricultural subdivision is used when large parcels of land are being conveyed in rural areas for agricultural uses. This is an administrative procedure; it does not require review by the Plan and Zoning Commission or Village Board of Trustees. The proposed agricultural subdivision is sent for outside agency review, and it is administratively approved.

(C) Eligibility. In agricultural subdivisions all proposed parcels shall meet the following requirements:

- (1) All parcels shall be only in agricultural uses, including pasture, woodland, and farmstead and shall be accordingly zoned.
- (2) Non-farmstead parcels shall be not less than 500 feet in width.
- (3) Non-farmstead parcels shall not be less than 20 acres in area.
- (4) Farmstead parcels shall be not less than ten acres in area and not less than 300 feet in width.
- (5) No more than six parcels are created.
- (6) Parcels must have frontage on a public roadway. Parcels whose only access to a public street is via an easement shall not be allowed.

Notes on 12-30-22 Variance Appeal. Data

Purchase dates

	Acres	Closing	Seller	Buyer
Original	30.49	11-03-2011	Jean Holliday	JoAnn Wozniak
1 st Poulos	5.019	11-21-2017	JoAnn Wozniak	George J. Poulos and Kara A. Metcalf (TIC)
2 nd Poulos	5.18	1-13-2021	"	
Remainder	20.32	1-15-2022 (est)	"	Tappendorf Farm LLC

Lots Sizes (appx)

Acres	L X W	in ft
10.2	1333 E-W X 332 N-S	
20.3	" X 668 N-S	

P&Z Staff Proposal (appx)

Acres	L X W	in ft	Frontage
10.2	558 E-W X 780 N-S		780
20.3	220 E-W X 558 N-S corridor		220

Residential 2 Acres Request

295 ft for square shape

RECEIVED

DEC 28 2021

CHAMPAIGN CO. P & Z DEPARTMENT

RECEIVED

DEC 29 2021

CHAMPAIGN CO. P & Z DEPARTMENT

To; Champaign County Planning and Zoning Department

From: James Eagan

510 County Road 2550N

Mahomet, IL 61853

RE; Opposing The Variance for Country Oak Acres Subdivision , Case #026-V-21 and # 027-V-21

Hello, This is a letter in response to the petition requesting a variance in cases # 26-V-21 and #27-V-21.

I'm writing this letter on behave of myself and others that have been living in the area in question for many years. My family has lived in the area for over 40 years.

We would like to say that we strongly oppose these variances for the following reasons .

1. Traffic – There is already too much traffic and congestion in the area. In the past 10 years or so there has even been speed limit and stop signs put up in places where there was no need for them before. There was not enough traffic to justify them.
2. Roads - The Roads are not made for the amount of traffic that is already there. If a Country Oak acres subdivision was to be allowed then that would only add to the problem.
3. Taxes- If the Roads were to be improved to accommodate more traffic then taxes would probably be increased to pay for them. With each additional residents to the area , the desire to live in the area decreases yet the taxes will increase . This leaves the current residents in the area with a higher cost of living and a less desirable property if they need to sell in the future.
4. Quality of life- Those that have lived in the area have enjoyed a certain quality of life for years. This Quality of life has already decreased over the past 20 years considerably. We have gone from having an occasional tractor and grain truck , to having constant concrete and building material trucks on the road and in the area.
5. Noise – With all the added congestion comes more noise.
6. Crime Possibilities – This area has enjoyed a low crime rate thus far . With each additional residents in the area, the possibility of crime increases.
7. Best use – It has already been established and even stated in the letter regarding the variance , that the lands “ best use” is as farm land . Why would you change that in the name of greed and urban sprawl ?

In Conclusion , For the above reasons I'm asking the Zoning Board of Appeals to Realize that there is simply no positives to allowing a Country Oak Acres subdivision in this area. Please consider the quality of life for those of us already living in the area and deny the variances in case # 026-V-21 and #027-V-21.

Thank you for your time and consideration. James Eagan

James Eagan
Michael Eagan

12-29-21 (217) 898-9143
12-29-21 (217) 369-2333