

# **CASES 087-AM-23 and 088-V-23**

PRELIMINARY MEMORANDUM

MARCH 8, 2023

**Petitioners:** Brian and Lana Krutsinger

**Request:** Case 087-AM-23:

Amend the Zoning Map to change the zoning district designation for approximately 14 acres of the 30.37-acre subject property from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District.

Case 088-V-23:

Authorize a variance in the CR Conservation Recreation Zoning District for a proposed lot with an access width of 15 feet in lieu of the minimum required 20 feet per Section 4.2.1 H., and with access passable to emergency vehicles of 15 feet in width in lieu of the minimum required 20 feet, per Section 4.2.1 I. of the Champaign County Zoning Ordinance.

**Location:** A 30.37-acre tract in the East Half of the Northeast Quarter of Section 10, Township 18N, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as the Krutsinger residence located at 2197 CR 1100N, Sidney.

**Site Area:** 30.37 acres (~14 acre rezoning area)

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

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

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## **BACKGROUND**

The petitioners have had their 30.37-acre residential property for sale since early September 2022. The two offers they have received fell through because the potential buyers wanted to establish an event center, which is not allowed in the CR district. The petitioners would like to rezone to AG-2 Agriculture because there is a more extensive list of possible land uses that could occupy the property than what is available in the CR Conservation Recreation Zoning District. They are hopeful that the rezoning will ease the sale of their property.

The petitioners are in the process of dividing off the portion of the property that is in floodplain so that area can stay in the CR Conservation Recreation Zoning District and therefore be better protected from possible development. Attachment C is a Boundary Survey received March 7, 2023 that shows the 11.99 acres proposed lot that would stay in the CR district and the remaining 18 acres that would be rezoned to AG-2. The variance in case 088-V-23 is necessary because the existing access drive to the part they want to leave in the CR district is only 15 feet wide rather than the minimum required 20 feet.

A neighbor expressed concerns about the possibility of an event center or similar use coming to the subject property. See the Comments Received section below.

## EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Sidney, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.

The subject property is located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions have protest rights on a Map Amendment.

## EXISTING LAND USE AND ZONING

**Table 1. Land Use and Zoning Summary**

| Direction | Land Use                  | Zoning  |
|-----------|---------------------------|---|
| Onsite    | Residential               | CR Conservation Recreation<br>(Proposed partial rezoning to AG-2) |
| North     | Residential               | AG-1 Agriculture  |
| West      | Agriculture               | AG-1 Agriculture  |
| East      | Residential, wooded areas | CR Conservation Recreation  |
| South     | Wooded areas              | CR Conservation Recreation  |

## COMMENTS RECEIVED

In a phone call received March 6, 2023, a neighbor to the west expressed concerns about the possibility of having an event center on the subject property. They said they did not want the traffic and noise that are associated with an event center, and they don't want people racing on the narrow road to get to an event center.

## DECISION POINTS FOR CASE 087-AM-23

Staff analysis indicates that the proposed Zoning Map amendment and potential use appear to be generally compatible with surrounding land uses and the Champaign County Land Resource Management Plan Goals, Objectives, and Policies adopted by the County Board on April 22, 2010.

Staff has recommended affirmative findings for all decision points for the LRMP Goals, Objectives, and Policies, LaSalle and Sinclair Factors, and Purpose of the Zoning Ordinance. The Board can revise any of these recommended findings.

## PROPOSED SPECIAL CONDITION FOR CASE 087-AM-23

The following special condition is proposed for the Map Amendment:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425 (see attached).**

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

**Conformance with Land Resource Management Plan Policy 4.2.3.**

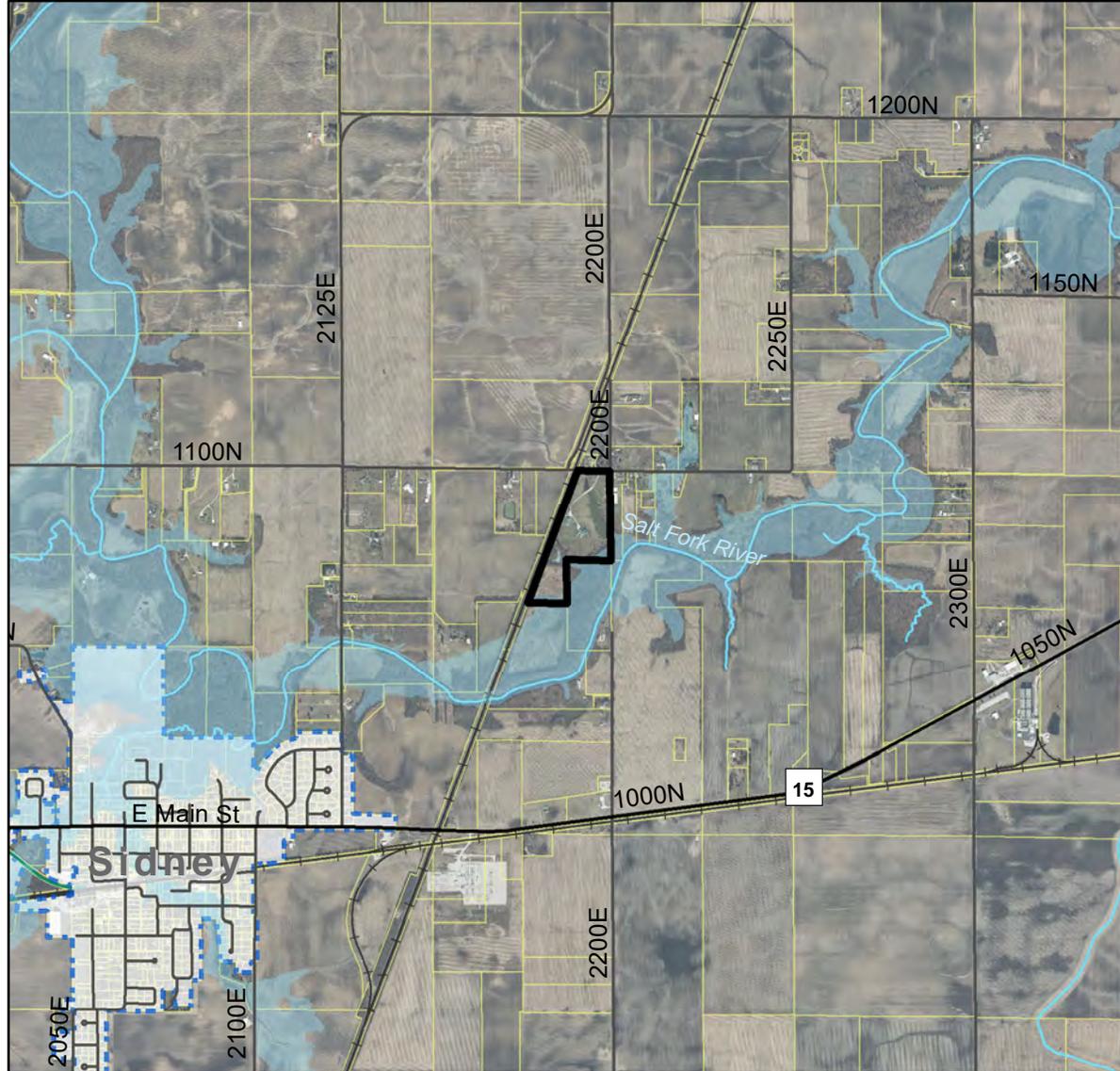
**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Proposed Site Plan received February 3, 2023
- C Boundary Survey by Berns, Clancy & Associates received March 7, 2023
- D Plat of Survey by Rex Bradfield recorded as document #2002R19297 on June 18, 2002
- E Clip of Bradfield Survey showing dam structure details
- F Village of Sidney approval for splitting the property received March 7, 2023
- G LRMP Land Use Goals, Objectives, and Policies
- H LRMP Appendix of Defined Terms
- I Right to Farm Resolution 3425
- J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 17, 2023
- K Site Visit Photos taken February 28, 2023
- L Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 087-AM-23 dated March 16, 2023
- M Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 088-V-23 dated March 16, 2023

# Location Map

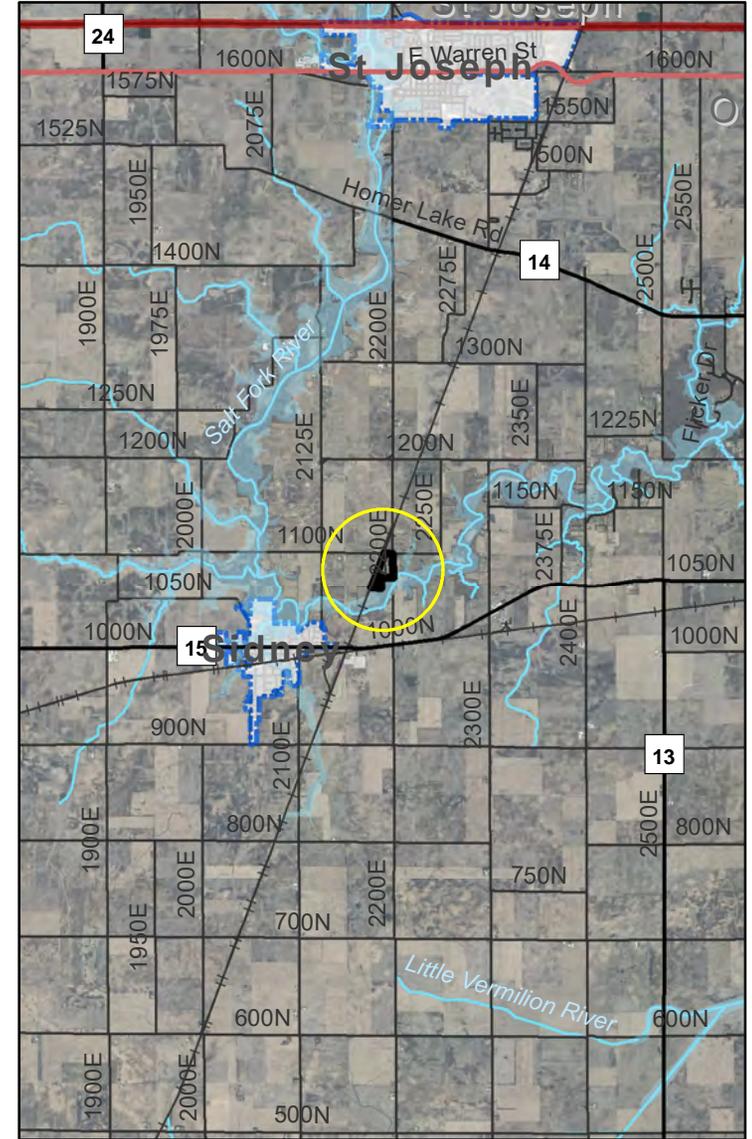
Cases 087-AM-23 & 088-V-23  
 March 16, 2023

Subject Property



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

Property location in Champaign County

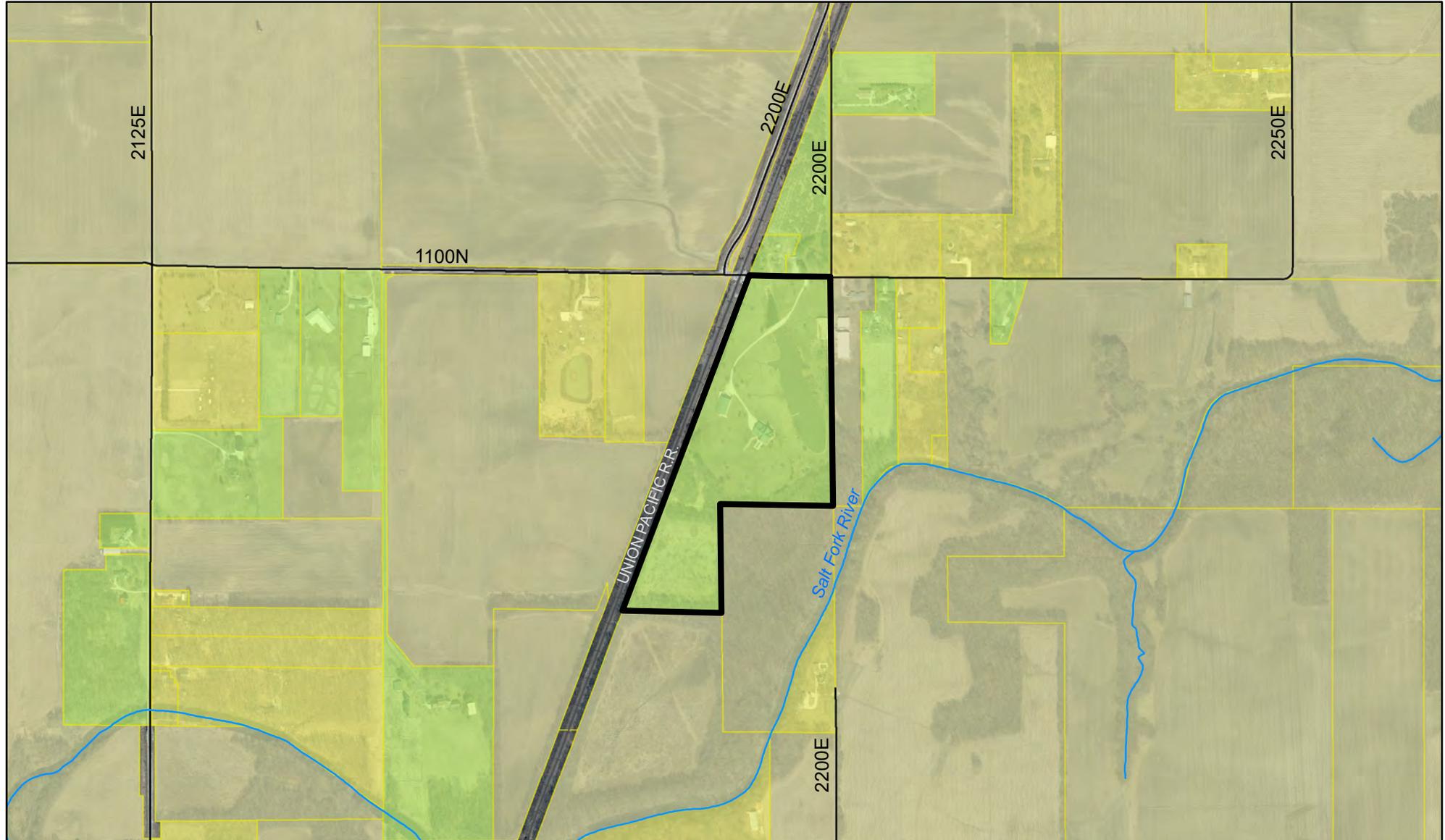


- Miles
- Miles



# Land Use Map

Cases 087-AM-23 & 088-V-23  
March 16, 2023



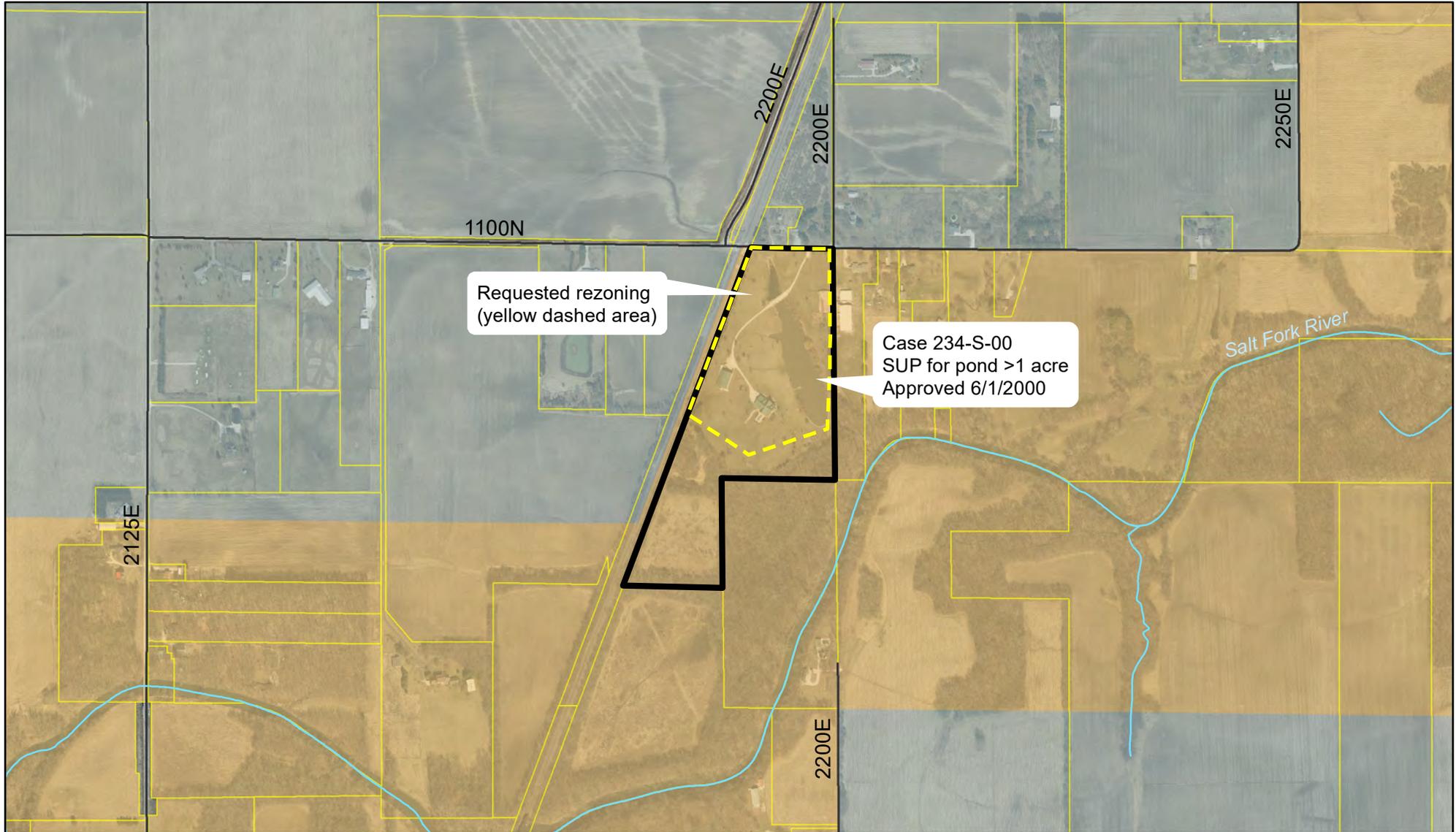
- Subject Property
- Parcels
- Streams
- Agriculture
- Ag/Residential
- Residential

0 200 400 800 Feet

Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Cases 087-AM-23 & 088-V-23  
March 16, 2023

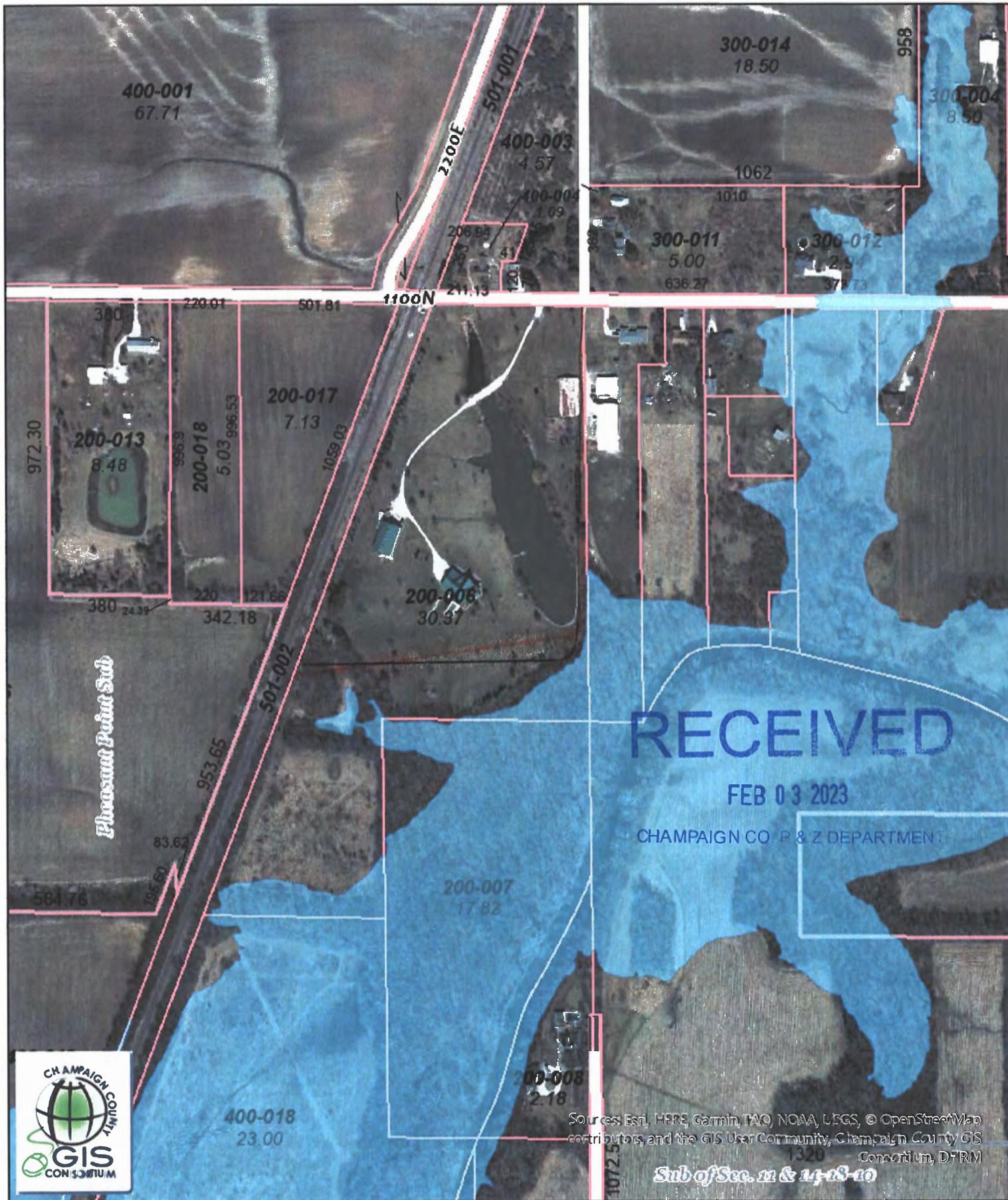


- Subject Property
- CR Conservation Recreation
- Parcels
- AG-1 Agriculture

0 200 400 800 Feet



# 24-28-10-200-006 2020 aerial with floodplain 1:400



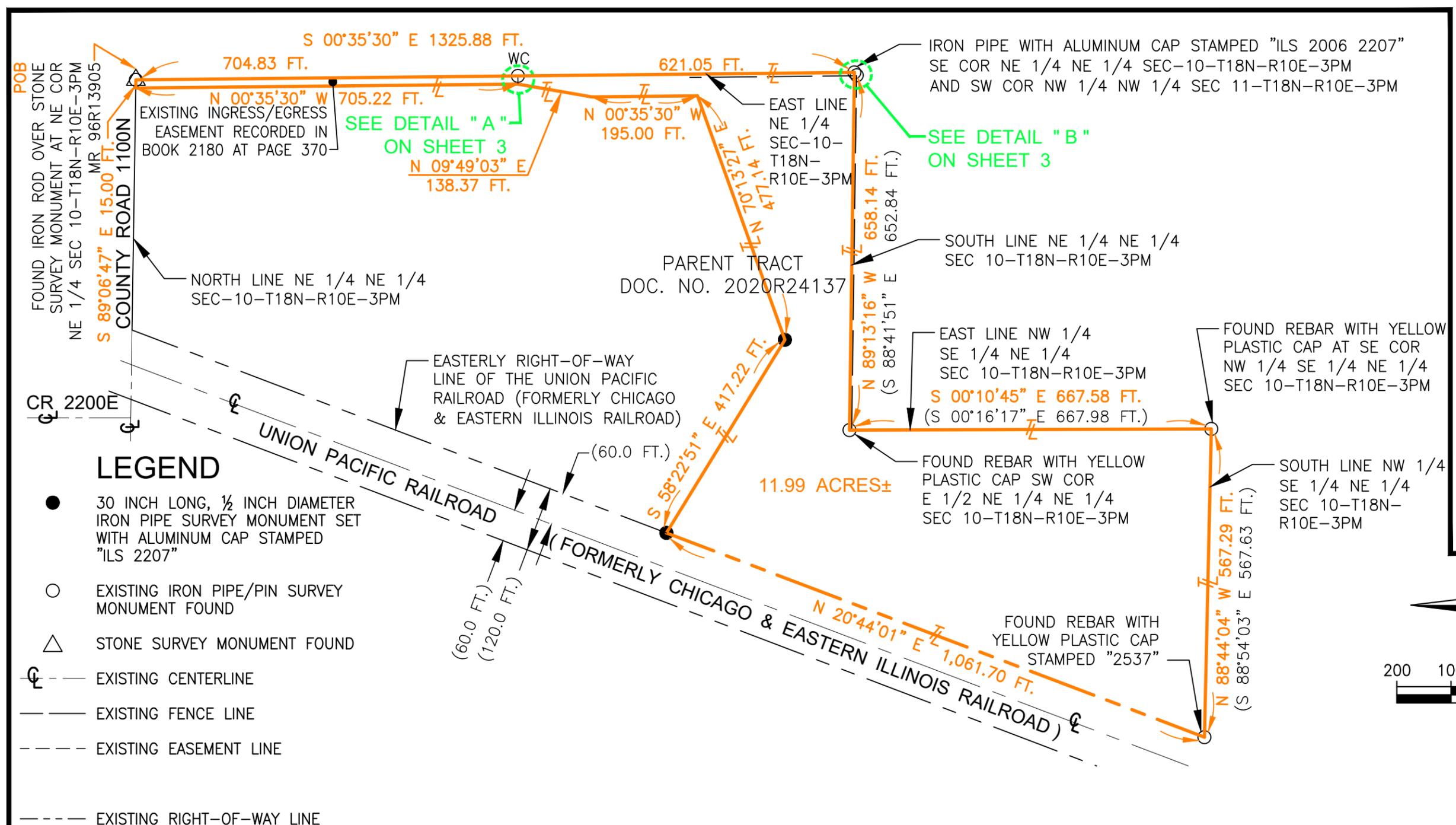
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium, DFRM

Sub of Sec. 11 & 14-18-10



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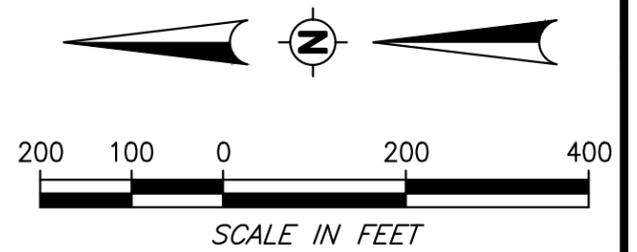


**LEGEND**

- 30 INCH LONG, 1/2 INCH DIAMETER IRON PIPE SURVEY MONUMENT SET WITH ALUMINUM CAP STAMPED "ILS 2207"
- EXISTING IRON PIPE/PIN SURVEY MONUMENT FOUND
- △ STONE SURVEY MONUMENT FOUND
- ⊕ --- EXISTING CENTERLINE
- EXISTING FENCE LINE
- - - EXISTING EASEMENT LINE
- - - EXISTING RIGHT-OF-WAY LINE
- TITLE LINE
- POC POINT-OF-COMMENCEMENT
- POB POINT-OF-BEGINNING
- WC WITNESS CORNER
- MR MONUMENT RECORD
- ( ) RECORD MEASUREMENT AND/OR DATA

**J. U. L. I. E.**  
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**RECEIVED**  
MAR 7, 2023  
CHAMPAIGN COUNTY  
PLANNING & ZONING



SIGNED AND SEALED MARCH 7, 2023  
*Edward L. Clancy*  
EDWARD L. CLANCY, L.S., PRESIDENT  
**BERNS, CLANCY AND ASSOCIATES, P.C.**  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2207  
LICENSE EXPIRATION: NOVEMBER 30, 2024  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
ILLINOIS PROFESSIONAL DESIGN FIRM 2999  
LICENSE EXPIRATION: APRIL 30, 2023



BOUNDARY SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

**BCA** **BERNS, CLANCY AND ASSOCIATES**  
ENGINEERS • SURVEYORS • PLANNERS  
405 EAST MAIN STREET - POST OFFICE BOX 755  
URBANA, ILLINOIS 61803-0755  
PHONE: (217) 384-1144 - FAX: (217) 384-3355

|                 |        |              |
|-----------------|--------|--------------|
| 8307 BOUREVISED | DATE:  | SHEET 1 OF 3 |
| JOB: 8307       | 030723 |              |

### SURVEYOR'S REPORT

I, EDWARD L. CLANCY, ILLINOIS PROFESSIONAL LAND SURVEYOR 2207 AND PRESIDENT OF BERNS, CLANCY AND ASSOCIATES, P.C. DO HEREBY STATE THAT AT THE REQUEST OF AND FOR THE EXCLUSIVE BENEFIT OF **BRIAN KRUTSINGER**, I PREPARED A BOUNDARY SURVEY AND ACCOMPANYING DESCRIPTION ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN CHAMPAIGN COUNTY, ILLINOIS OF A PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARENT TRACT (DOCUMENT NUMBER 2020R24137)

THAT PORTION OF THE FOLLOWING DESCRIBED PREMISES LYING EAST OF THE EASTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND EASTERN ILLINOIS RAILROAD:

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER ALL IN SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

11.99 ACRE TRACT

COMMENCING AT AN IRON ROD OVER A STONE SURVEY MONUMENT FOUND AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN PER MONUMENT RECORD 96R13905 ON FILE IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER, ALSO BEING THE NORTHEAST CORNER OF AN EXISTING INGRESS AND EGRESS EASEMENT RECORDED IN BOOK 2180 AT PAGE 370 ON FILE IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER; THENCE SOUTH 00 DEGREES 35 MINUTES 30 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 1325.88 FEET TO AN IRON PIPE SURVEY MONUMENT FOUND AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 89 DEGREES 13 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 658.14 FEET TO AN IRON REBAR SURVEY MONUMENT FOUND AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE SOUTH 00 DEGREES 10 MINUTES 45 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 667.58 FEET TO AN IRON REBAR SURVEY MONUMENT FOUND AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE NORTH 88 DEGREES 44 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 567.29 FEET TO AN IRON REBAR SURVEY MONUMENT FOUND ON THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND EASTERN ILLINOIS RAILROAD); THENCE NORTH 20 DEGREES 44 MINUTES 01 SECONDS EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND EASTERN ILLINOIS RAILROAD), A DISTANCE OF 1061.70 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE SOUTH 58 DEGREES 22 MINUTES 51 SECONDS EAST, A

DISTANCE OF 417.22 FEET TO AN IRON PIPE SURVEY MONUMENT SET; THENCE NORTH 70 DEGREES 13 MINUTES 27 SECONDS EAST, A DISTANCE OF 477.14 FEET; THENCE NORTH 00 DEGREES 35 MINUTES 30 SECONDS WEST, A DISTANCE OF 195.00 FEET; THENCE NORTH 09 DEGREES 49 MINUTES 03 SECONDS EAST, A DISTANCE OF 138.37 FEET TO THE SOUTHWEST CORNER OF SAID INGRESS/EGRESS EASEMENT RECORDED IN BOOK 2180 AT PAGE 370; THENCE NORTH 00 DEGREES 35 MINUTES 30 SECONDS WEST, A DISTANCE OF 705.22 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10; THENCE SOUTH 89 DEGREES 06 MINUTES 47 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING, ENCOMPASSING AN AREA OF 11.99 ACRES, MORE OR LESS, ALL SITUATED IN CHAMPAIGN COUNTY, ILLINOIS.

I FURTHER STATE THAT BASED UPON MY REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 17019C0475D WITH AN EFFECTIVE DATE OF OCTOBER 2, 2013 THE PROPERTY SURVEYED IS REPORTEDLY LOCATED WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AND ZONE A (SPECIAL FLOOD HAZARD AREA).

I FURTHER STATE THAT NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR TO DETERMINE THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

SIGNED AND SEALED MARCH 7, 2023

EDWARD L. CLANCY, L.S., PRESIDENT  
**BERNS, CLANCY AND ASSOCIATES, P.C.**  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2207  
LICENSE EXPIRATION: NOVEMBER 30, 2024  
URBANA, CHAMPAIGN COUNTY, ILLINOIS  
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BOUNDARY SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS

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|                     |                 |              |
|---------------------|-----------------|--------------|
| 8307 BOUREVISED.DWG | DATE:<br>030723 | SHEET 2 OF 3 |
| JOB: 8307           |                 |              |

### SURVEYOR'S REPORT CONTINUED

I FURTHER STATE THAT NO INDEPENDENT INVESTIGATION CONCERNING ZONING OR LAND USE, OR INDEPENDENT SEARCH OF THE RECORDS FOR EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, OWNERSHIP, TITLE EVIDENCE OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE FOR SUBJECT PROPERTY OR FOR ADJOINING PARCELS WAS MADE AS A PART OF THIS SURVEY. THE SURVEYOR HAS RELIED UPON THE MATERIALS AND REPRESENTATIONS SUPPLIED BY THE CLIENT

I FURTHER STATE THAT NO ATTEMPT HAS BEEN MADE AS A PART OF THIS BOUNDARY SURVEY TO OBTAIN DATA CONCERNING THE EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY MUNICIPAL OR PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

I FURTHER STATE THAT I FOUND AND/OR SET THE SURVEY MONUMENTS AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY AND THERE ARE NO APPARENT ABOVE GROUND ENCROACHMENTS EXCEPT AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY.

I FURTHER STATE THAT THE ACCOMPANYING PLAT OF SURVEY IS A SCALED REPRESENTATION OF THE PHYSICAL SITUATION WHICH I FOUND IN THE FIELD AND SHOWS THE LOCATION OF VARIOUS ABOVE-GROUND FACILITIES WHICH I FOUND IN THE FIELD AT THE TIME OF MY FIELD SURVEY OF THESE PREMISES FEBRUARY 28, 2023.

I FURTHER STATE THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

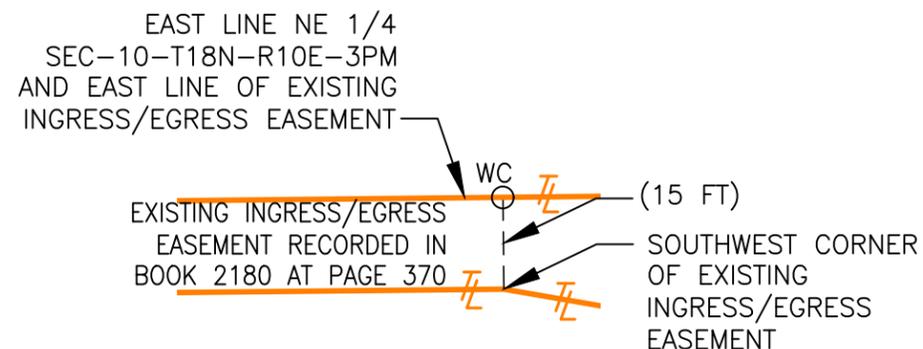
### GENERAL NOTES

ALL MEASUREMENTS ARE IN FEET AND DECIMAL PARTS THEREOF, UNLESS NOTED OTHERWISE.

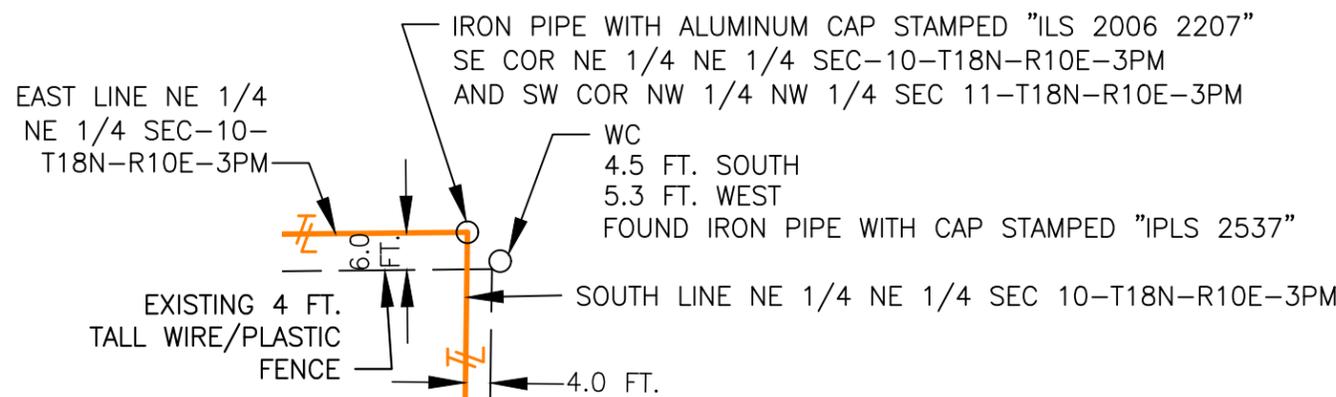
SEE MUNICIPAL/COUNTY ORDINANCES AND REGULATIONS FOR ZONING, SETBACK AND BUILDING STANDARD REQUIREMENTS.

COORDINATES AND BEARINGS SHOWN ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, EAST ZONE, NAD 83 (2011).

SEE MONUMENT RECORDS ON FILE WITH THE COUNTY RECORDER'S OFFICE FOR DETAILS OF SECTION CORNERS USED IN THIS SURVEY.



**DETAIL " A "**  
NO SCALE



**DETAIL " B "**  
NO SCALE

SIGNED AND SEALED MARCH 7, 2023

*Edward L. Clancy*

EDWARD L. CLANCY, L.S., PRESIDENT  
**BERNS, CLANCY AND ASSOCIATES, P.C.**  
ILLINOIS PROFESSIONAL LAND SURVEYOR 2207  
LICENSE EXPIRATION: NOVEMBER 30, 2024  
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BOUNDARY SURVEY OF PART OF THE  
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TOWNSHIP 18 NORTH, RANGE 10 EAST  
OF THE THIRD PRINCIPAL MERIDIAN,  
SIDNEY TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS



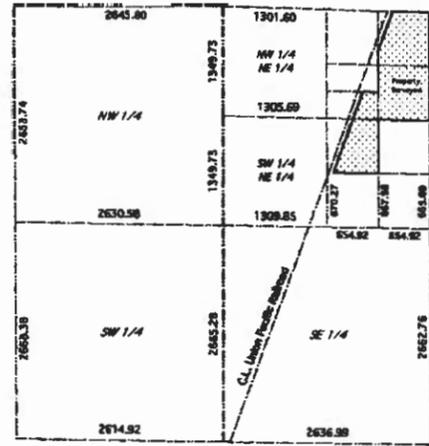
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DETAILS NOT DRAWN TO SCALE.  
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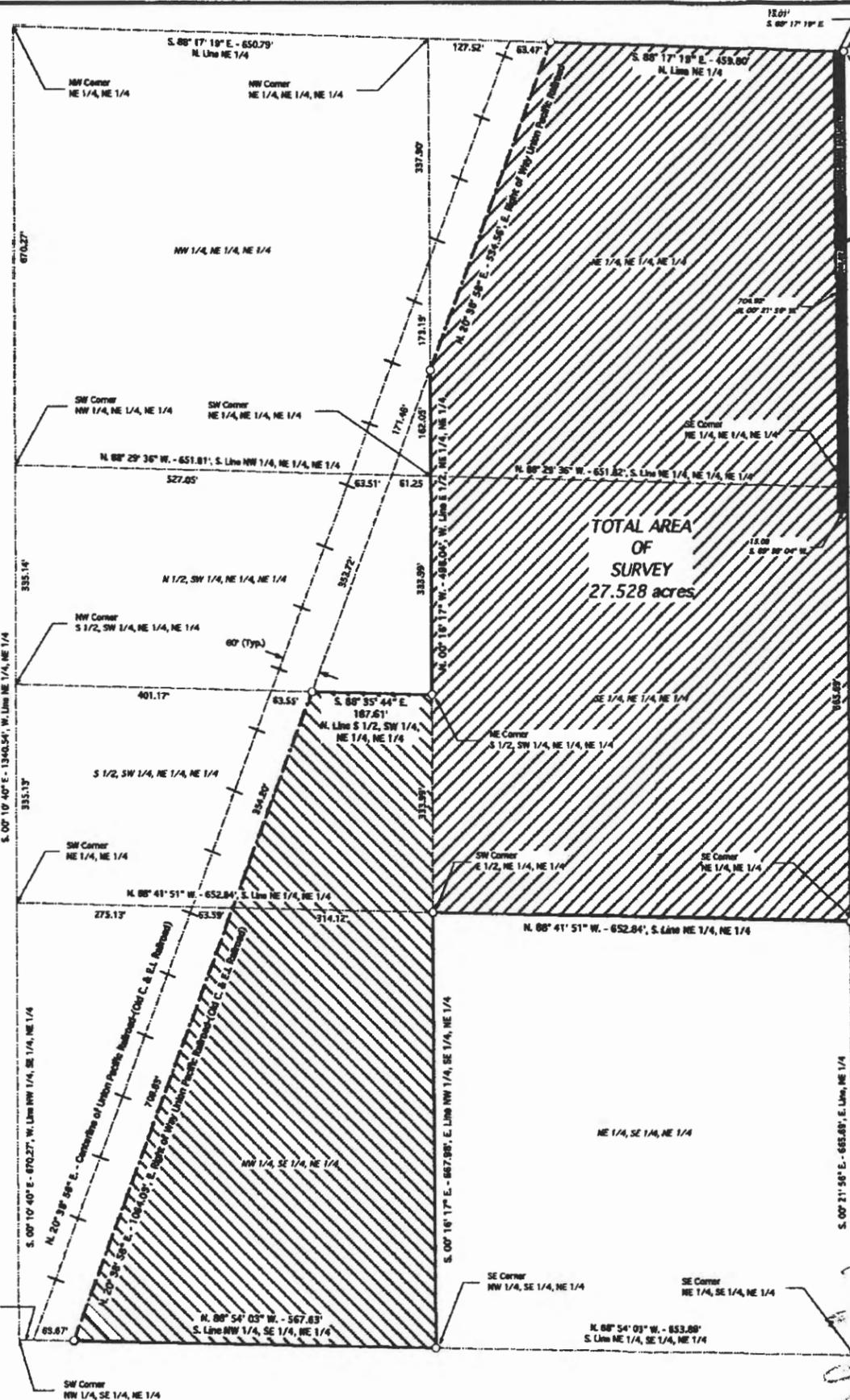
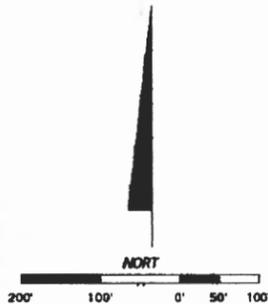
SHEET 3 OF 3



SECTION 10  
T. 18 N., R. 10 E., 3RD P.M.

LEGEND

- Property Line
- Property Line/Right of Way
- Centerline Existing Railroad
- Section Lines (not part of Boundary)
- Existing Easement
- Proposed Ingress/Egress Easement
- Tract 1 (Original Description)
- Tract 2 (Original Description)
- Existing Ingress/Egress Easement
- Center Line
- Existing Right of Way
- Survey Marker Found
- Survey Marker Set
- Described Point (Not Found)
- (45.01) or (45.01) Record Dimension or Bearing
- P.I. Point of Intersection
- P.C. Point of Curvature
- P.C.C. Point of Compound Curvature
- P.O.C. Point on Curve
- R, L, & Curve Radius, Arc Length, Central Angle
- P.T. Point of Tangency
- 15.01' & 89° 17' 19" E Easement Distance & Bearing



TOTAL AREA  
OF  
SURVEY  
27.528 acres

# PLAT OF SURVEY

A Part of the  
Northeast Quarter of the Northeast Quarter  
and the  
Southeast Quarter of the Northeast Quarter  
of  
Section 10, Township 18 North, Range 10 East  
of the  
Third Principal Meridian  
Champaign County  
State of Illinois

2002R19297  
RECORDED ON  
06-18-2002 10:21:27  
CHAMPAIGN COUNTY  
RECORDER  
BARBARA A. FRASCA  
REC. FEE: 25.00  
REV FEE:  
PAGES: 1  
PLAT ACT: 0  
PLAT PAGE:

**SURVEYOR'S CERTIFICATE**

I, REX A. BRADFELD, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2537 AND MANAGING AGENT FOR ZAMCO, INC. ILLINOIS REGISTERED LAND SURVEYOR CORPORATION NO. 99, DO HEREBY CERTIFY THAT AT THE REQUEST OF MR. BRIAN KRUTSINGER, OWNER, I HAVE MADE A SURVEY OF A PARCEL OF LAND SITUATED WITHIN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL SITUATED WITHIN THE LIMITS OF CHAMPAIGN COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

**TRACT 1:**  
THE EAST HALF OF THE NORTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE RIGHT OF WAY OF THE CHICAGO AND EASTERN ILLINOIS RAILROAD, IN CHAMPAIGN COUNTY, ILLINOIS.

**TRACT 2:**  
ALL THAT PART OF THE NORTHWEST 1/4 OF THE SOUTH EAST 1/4 OF THE NORTH EAST 1/4 AND THE SOUTH HALF OF THE SOUTH 1/4 OF THE NORTH EAST 1/4 OF THE NORTH EAST 1/4 OF SECTION 10, TOWNSHIP 18 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EASTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND EASTERN ILLINOIS RAILROAD, IN CHAMPAIGN COUNTY, ILLINOIS.

**MORE PARTICULARLY DESCRIBED AS FOLLOWS:**  
BEGINNING AT AN IRON PIPE MONUMENT FOUND SITUATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, T. 18 N., R. 10 E., 3RD PRINCIPAL MERIDIAN, SAID PIPE BEING LOCATED AND CONFIRMED BY INFORMATION AS SHOWN ON A MONUMENT RECORD RECORDED AS DOCUMENT NO. 78815173, IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER; THENCE S. 00° 21' 50" E., ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1381.38 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE N. 88° 41' 51" W., ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 652.84 FEET TO A POINT SITUATED AT THE SOUTH WEST CORNER OF THE EAST ONE-HALF OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S. 00° 18' 17" E., ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER, A DISTANCE OF 887.88 FEET TO A POINT SITUATED AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N. 88° 54' 03" W., ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 587.65 FEET TO A POINT SITUATED ON THE EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD (OLD C. & E. I. RAILROAD); THENCE N. 20° 38' 54" E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1084.03 FEET TO A POINT SITUATED ON THE NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE AFORESAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE S. 88° 35' 44" E., ALONG SAID NORTH LINE OF THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 187.81 FEET TO A POINT SITUATED AT THE NORTHEAST CORNER OF SAID SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE N. 00° 18' 17" W., ALONG WEST LINE OF AFORESAID EAST ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 486.04 FEET TO A POINT SITUATED ON AFORESAID EAST RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD (OLD C. & E. I. RAILROAD); THENCE N. 20° 38' 54" E., ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 334.56 FEET TO A POINT SITUATED ON THE NORTH LINE OF AFORESAID NORTHEAST QUARTER OF SECTION 10; THENCE S. 88° 17' 19" E., ALONG SAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 459.80 FEET TO THE POINT OF BEGINNING, CONTAINING 27.528 ACRES, MORE OR LESS, AND ALL SITUATED WITHIN THE LIMITS OF CHAMPAIGN COUNTY, ILLINOIS.

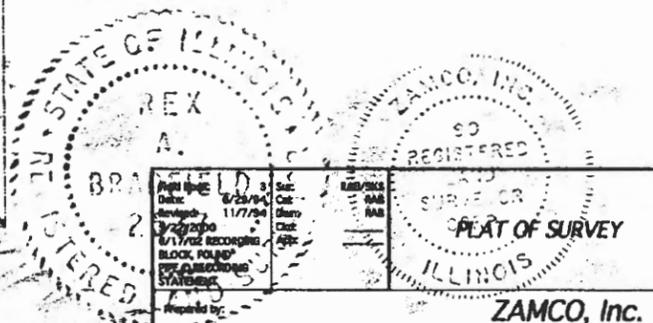
- I FURTHER CERTIFY THAT:
1. ALL IRON PIPE MONUMENTS SET ARE 30" LONG #4 RE-BAR BEARING A CAP STAMPED 2537.
  2. ALL BEARINGS ARE BASED ON A REFERENCE BEARING ASSIGNED FOR PURPOSES OF THIS PLAT ONLY.
  3. ALL DIMENSIONS ARE INDICATED IN FEET AND DECIMALS OF A FOOT THEREOF.
  4. THIS PROPERTY IS SUBJECT TO THE RIGHTS OF ALL EASEMENTS, RECORDED AND UNRECORDED.
  5. THE ABOVE DESCRIBED PROPERTY IS SITUATED WITHIN THE LIMITS OF FLOOD HAZARD ZONE A, IDENTIFIED FOR THE COUNTY OF CHAMPAIGN, ILLINOIS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP, PANEL 170894-0225-B, EFFECTIVE DATE MARCH 1, 1984.
  6. THE INFORMATION DESCRIBED BY THIS DOCUMENT IS CORRECT AS OF MAY 22, 2000.
  7. FOR PURPOSES OF INGRESS AND EGRESS TO A PROPERTY SHOWN AS PARCEL IDENTIFICATION NO. 24-28-11-100-014 IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER AN EASEMENT IS SHOWN ON AND PREVIOUSLY DEDICATED. THE EASEMENT IS DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIPE MONUMENT FOUND SITUATED AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 10, T. 18 N., R. 10 E., 3RD PRINCIPAL MERIDIAN, SAID PIPE BEING LOCATED AND CONFIRMED BY INFORMATION AS SHOWN ON A MONUMENT RECORD RECORDED AS DOCUMENT NO. 78815173, IN THE OFFICE OF THE CHAMPAIGN COUNTY RECORDER; THENCE S. 00° 21' 50" E., ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 704.37 FEET; THENCE S. 88° 38' 04" W., ALONG A LINE PERPENDICULAR TO SAID EAST LINE, A DISTANCE OF 15.00 TO A POINT SITUATED ON A LINE PARALLEL WITH AND 15.00 FEET WESTERLY DISTANT FROM SAID EAST LINE; THENCE N. 00° 21' 50" W., ALONG SAID PARALLEL LINE A DISTANCE OF 704.88 FEET TO A POINT SITUATED ON THE NORTH LINE OF AFORESAID NORTHEAST QUARTER OF SECTION 10; THENCE S. 88° 17' 19" E., ALONG AFORESAID NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, A DISTANCE OF 15.01 FEET TO THE POINT OF BEGINNING, CONTAINING 0.245 ACRES, MORE OR LESS, AND ALL SITUATED WITHIN THE LIMITS OF CHAMPAIGN COUNTY, ILLINOIS.

PREPARED BY AND GIVEN MY HAND AND SEAL ON JUNE 17, 2002 IN URBANA, ILLINOIS.

*Rex A. Bradfield*

REX A. BRADFELD, I.P.L.S. NO. 2537  
ZAMCO, INC. I.L.L.S. NO. 99  
UNIT D-14  
1902 E. UNIVERSITY AVENUE  
URBANA, ILLINOIS 61809



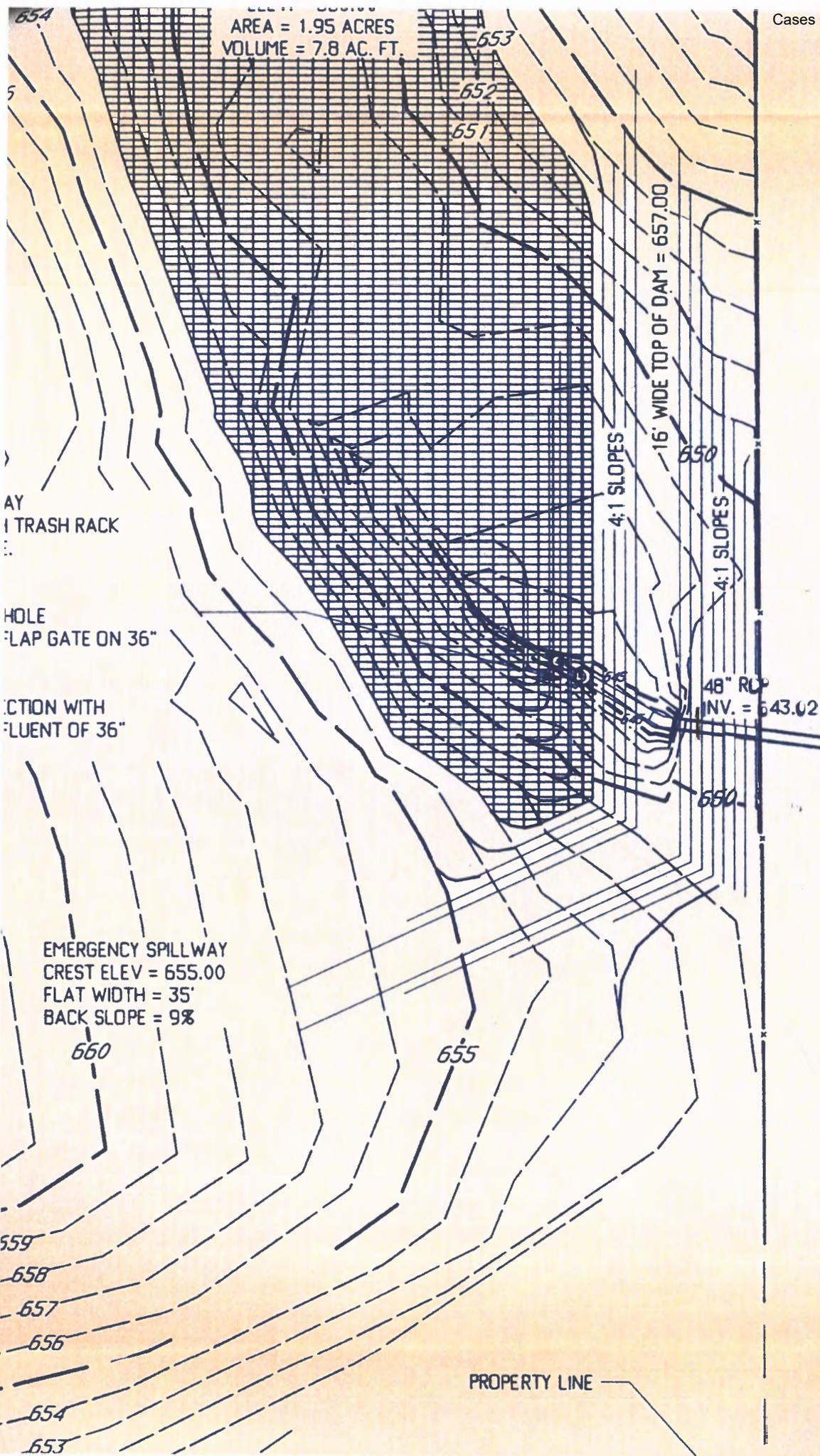
PURSUANT TO ICS §1270.50, THIS PROFESSIONAL SERVICE COMPOSING TO THE CURRENT ILLINOIS MAPPING STANDARDS FOR A BOUNDARY SURVEY



**KRUTSINGER PROPERTY**  
A PART OF THE  
NE 1/4, Section 10  
T. 18N., R. 10E., 3rd P.M.  
Sheet  
1  
JOB NO.  
00-234.00-05

ZAMCO, Inc.

AREA = 1.95 ACRES  
VOLUME = 7.8 AC. FT.



AY  
TRASH RACK

HOLE  
FLAP GATE ON 36"

CTION WITH  
FLUENT OF 36"

EMERGENCY SPILLWAY  
CREST ELEV = 655.00  
FLAT WIDTH = 35'  
BACK SLOPE = 9%

4:1 SLOPES  
16' WIDE TOP OF DAM = 657.00

48" RCP  
INV. = 643.02

PROPERTY LINE

## VILLAGE OF SIDNEY

Village President  
Jason Arrasmith  
PO Box 77  
Sidney, IL 61877

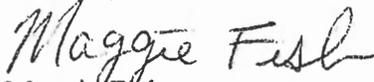
March 7<sup>th</sup>, 2023

John Hall  
Zoning Administrator  
Champaign County Department of Planning and Zoning  
1776 East Washington Street  
Urbana, IL 61801

The Board of Trustees for the Village of Sidney has approved the following: we agree to waive extraterritorial jurisdiction and otherwise consent to the breakout of a 11.49 acre tract from a 30.37 acre tract commonly know as 2197 CR 1100 N, Sidney, Illinois.

Please let me know if you have any further questions.

Sincerely,



Maggie Fish  
Village Clerk

TRUSTEES  
Leroy Schluter  
Dan Gadeken  
Tyler Bickers  
Matt Laurent  
Bret Harris  
Donna Hooker

**RECEIVED**

**MAR 07 2023**

CHAMPAIGN CO P & Z DEPARTMENT

**Attachment G: LRMP Goals, Objectives and Policies**

can be found online at: [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php)

**Attachment H: LRMP Defined Terms**

can be found online at: [http://www.co.champaign.il.us/CountyBoard/meetings\\_ZBA.php](http://www.co.champaign.il.us/CountyBoard/meetings_ZBA.php)

**RESOLUTION NO. 3425**

**A RESOLUTION PERTAINING TO THE  
RIGHT TO FARM IN CHAMPAIGN COUNTY**

**WHEREAS, the Chairman and the Board of Champaign County have determined that it is in the best interest of the residents of Champaign County to enact a Right to Farm Resolution which reflects the essence of the Farm Nuisance Suit Act as provided for in the Illinois Compiled Statutes, 740 ILCS 70 (1992); and**

**WHEREAS, the County wishes to conserve, protect, and encourage development and improvement of its agricultural land for the production of food and other agricultural products; and**

**WHEREAS, when nonagricultural land uses extend into agricultural areas, farms often become the subject of nuisance suits. As a result, farms are sometimes forced to cease operations. Others are discouraged from making investments in farm improvements.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED by the Chairman and the Board of Champaign County as follows:**

**1. That the purpose of this resolution is to reduce the loss to the county of its agricultural resources by limiting the circumstances under which farming operations are deemed a nuisance.**

**2. That the term "farm" as used in this resolution means that part of any parcel of land used for the growing and harvesting of crops, for the feeding, breeding, and management of livestock; for dairying or other agricultural or horticultural use or combination thereof.**

**3. That no farm or any of its appurtenances should be or become a private or public nuisance because of any changed conditions in the surrounding area occurring after the farm has been in operation for more than one year, when such farm was not a nuisance at the time it began operation.**

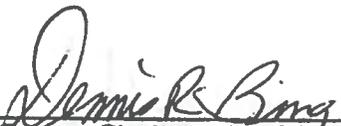
RESOLUTION NO. 3425

Page 2

4. That these provisions shall not apply whenever a nuisance results from the negligent or improper operation of any farm or its appurtenances.

PRESENTED, ADOPTED, APPROVED AND RECORDED this 24<sup>th</sup> day of  
May, A.D., 1994.

  
\_\_\_\_\_  
Chairman, County Board of the  
County of Champaign, Illinois

ATTEST:   
\_\_\_\_\_  
County Clerk and Ex-Officio  
Clerk of the County Board

**Champaign County Soil and Water Conservation District**

2110 W. Park Court, Suite C  
Champaign, IL. 61821  
Telephone (217) 398-5201, ext.3

**NATURAL RESOURCE REPORT**

**Date Requested:** March 23, 2000

**Date Reviewed:** April 26, 2000

**Requested By:** Brian Krutsinger

**Address:** 1277 County Rd. 2125E  
ST Joseph, IL. 61873

**RECEIVED**  
FEB 17, 2023  
CHAMPAIGN COUNTY  
PLANNING & ZONING

**Location of Property:** A part of the Northeastern Quarter of Section 10, T18N, R10E, Sidney Township, Champaign County, IL.

This 27 acre tract was inspected April 26, 2000 by the Resource Conservationist of the Champaign County Soil and Water Conservation District. The Natural Resources Conservation Service provided further technical assistance. Since there was no preplat submitted with this request, detailed recommendations will not be made at this time. In general, the following comments apply to this site.

**SITE SPECIFIC CONCERNS**

- 1. 39% of the soils on this site are considered prime farmland. None of the soil types on this site are classified in Ag value groups 1 and 2, which have productivity indexes' of 150-160 bu/acre. Ag group values are taken from the LESA System manual, 1984.**
- 2. Sabina (236A) and Xenia (291B) soil types have severe limitations for development without proper engineering design. The periodic wetness of these soils is the most important characteristic.**
- 3. There are several apparent natural drainageway located on this site. Construction should be avoided within these drainageways.**

## **SOIL RESOURCE**

### **a) Prime Farmland:**

On this particular site, **39% of the acreage is considered to be prime farmland**. The preservation of prime farmland remains an important policy of the District in relation to the soil's high productivity index. See Exhibit #1 for a location map. **The L.E factor for this site is 72.** See Exhibit #2 for calculations of this rating.

### **a) Erosion:**

This area will be susceptible to erosion both during and after construction. Any areas left bare for more than 30 days, should be temporarily seeded or mulched and permanent vegetation established as soon as possible.

### **c) Sedimentation:**

A complete erosion and sedimentation control plan should be developed and implemented on this site prior and during major construction activity. All sediment-laden runoff should be routed through sediment basins before discharge. No straw bales or silt fences should be used in concentrated flow areas, with drainage areas exceeding 0.5 acres. Plans should be in conformance with the Illinois Urban Manual for erosion and sedimentation control.

### **d) Soil Characteristics:**

There are four (4) soil types on this site. See Exhibit #3 for a soil map. Sabina (236A) and Xenia (291B) soil types have severe limitations for development in their natural, unimproved state. One of the possible limitations may be the severe periodic wetness of these soils. This would have an effect on paved surface design and overall surface and subsurface drainage. See Exhibit #4 for listing of these soils.

## **WATER RESOURCES**

### **a) Surface Drainage:**

There are several apparent identifiable drainageways on this site. Construction should be avoided within these natural drainageways.

Care should be taken when releasing any runoff upon property to the east. An adequate runoff system should be considered for overland flow so as to control erosion on this tract. Overland flow for the 100-year event should not cause damage to structures or improvements. Adequately sized flowage areas protected by permanent drainage easements should be provided for all overland flow areas.

**b) Subsurface Drainage:**

Tile may exist on this site, especially in the Sabina soil type. These tiles need to be located and maintained, or replaced within a drainage easement if they serve adjacent properties.

Wetness, shrink-swell, and frost action may be limitations associated with the soils on this site. Installing a properly designed subsurface drainage system will minimize adverse effects. Reinforcing the foundations helps to prevent the structural damage caused by shrinking and swelling of naturally wet soils.

**c) Water Quality:**

As long as adequate erosion and sedimentation control systems are installed as described above, the quality of water should not be significantly impacted.

**CULTURAL, PLANT, AND ANIMAL RESOURCE**

**a) Plant:**

For eventual landscaping of the site, the use of native species is recommended whenever possible. Some species include White Oak, Blue Spruce, Norway Spruce, Red Oak, and Red Twig Dogwood.

**b) Cultural:**

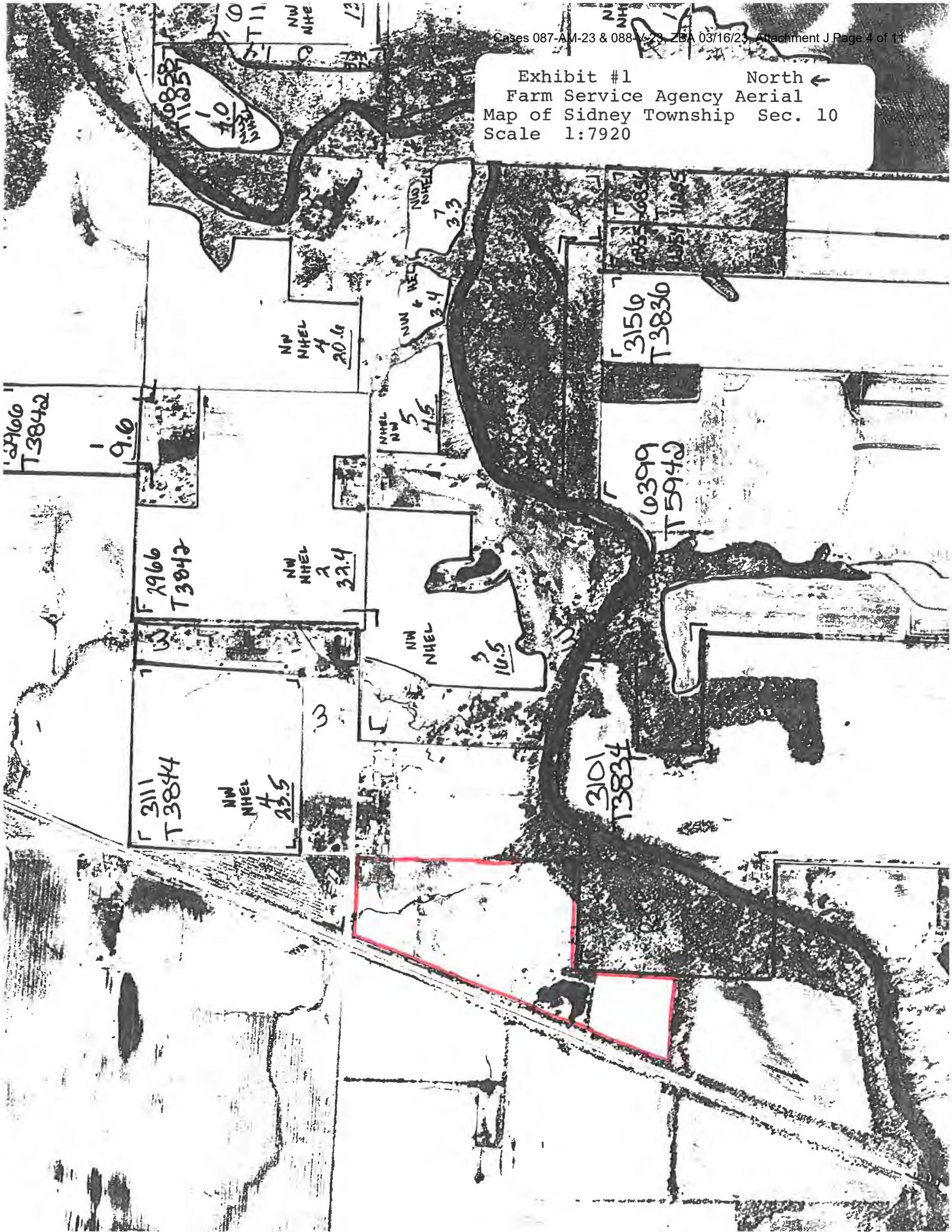
The Illinois Historic Preservation Agency may require a Phase 1 Archeological Review to identify any cultural resources that may be on the site.

If you have further questions, please contact the Champaign County Soil and Water Conservation District.

Signed by   
Board Chairman

Prepared by   
Resource Conservationist

Exhibit #1 North ←  
Farm Service Agency Aerial  
Map of Sidney Township Sec. 10  
Scale 1:7920



**EXHIBIT #2: LAND EVALUATION WORKSHEET**

| <u>Soil Type</u> | <u>Ag Group</u> | <u>Relative Value</u> | <u>Acres</u> | <u>L.E. Factor</u> |
|------------------|-----------------|-----------------------|--------------|--------------------|
| 27C2             | 7               | 65                    | 8.8          | 572.00             |
| 236A             | 4               | 85                    | 7.6          | 646.00             |
| 291B             | 5               | 79                    | 3.0          | 237.00             |
| 322C2            | 7               | 65                    | 7.6          | 494.00             |

Total L.E. factor equals= 1949

1949 divided by 27 (total acres) = **72** = Land Evaluation Factor for the site

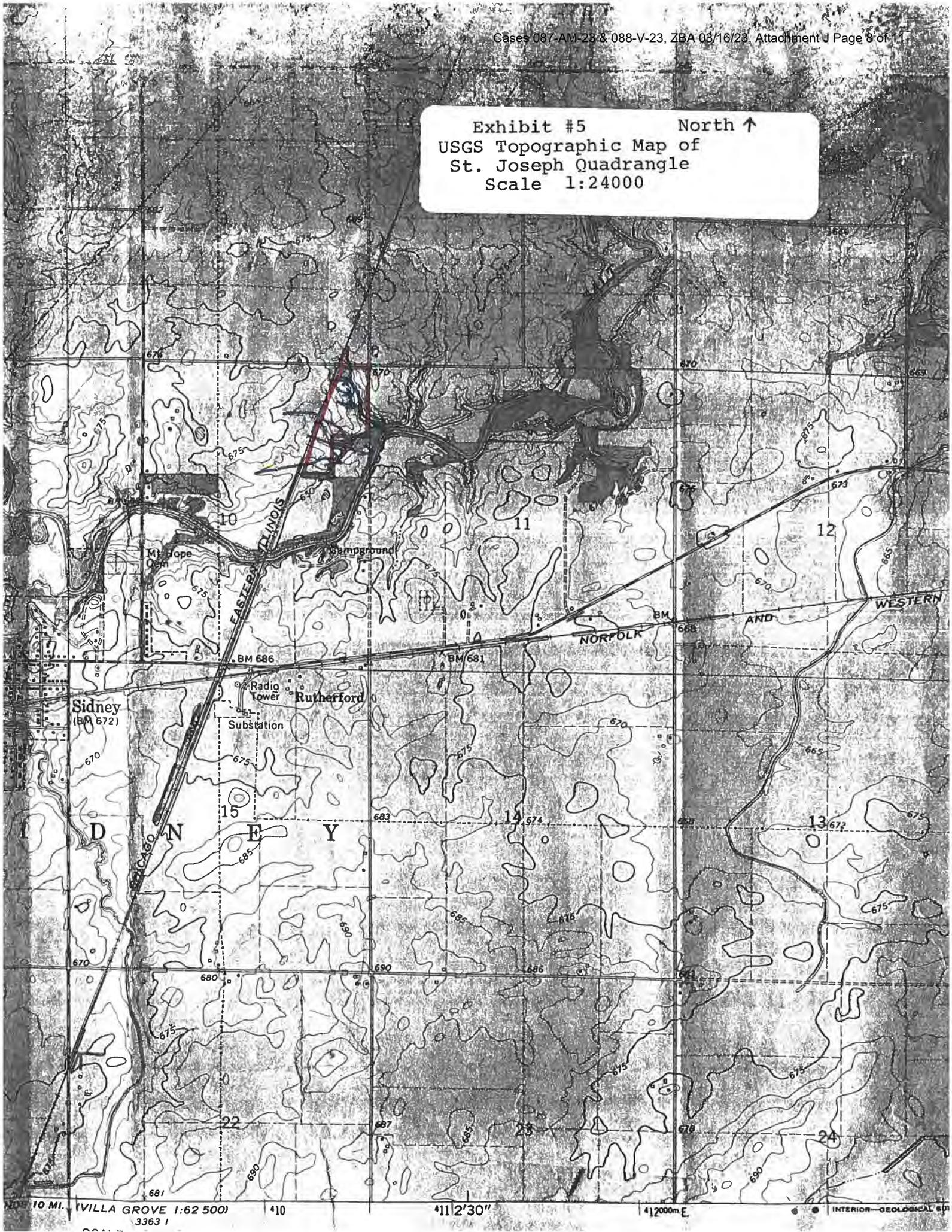


BUILDING SITE DEVELOPMENT  
 Champaign County

The information in this report indicates the dominant soil condition but does not eliminate the need for investigation)

| Map symbol and soil name | Shallow excavations      | Dwellings without basements           | Dwellings with basements            | Small commercial buildings            | Local roads and streets                                   | Lawns landsc        |
|--------------------------|--------------------------|---------------------------------------|-------------------------------------|---------------------------------------|---|---------------------|
| 27CC2:<br>Miami-----     | Moderate:<br>dense layer | Moderate:<br>shrink-swell             | Moderate:<br>shrink-swell           | Moderate:<br>shrink-swell,<br>slope   | Severe:<br>low strength                                   | Slight              |
| 236A:<br>Sabina-----     | Severe:<br>wetness       | Severe:<br>shrink-swell               | Severe:<br>wetness,<br>shrink-swell | Severe:<br>shrink-swell               | Severe:<br>shrink-swell,<br>low strength,<br>frost action | Moderate<br>wetness |
| 291B:<br>Xenia-----      | Severe:<br>wetness       | Moderate:<br>wetness,<br>shrink-swell | Severe:<br>wetness                  | Moderate:<br>wetness,<br>shrink-swell | Severe:<br>low strength,<br>frost action                  | Slight              |
| 322C2:<br>Russell-----   | Slight                   | Moderate:<br>shrink-swell             | Moderate:<br>shrink-swell           | Moderate:<br>shrink-swell,<br>slope   | Severe:<br>low strength,<br>frost action                  | Slight              |

Exhibit #5 North ↑  
USGS Topographic Map of  
St. Joseph Quadrangle  
Scale 1:24000



# CHAMPAIGN COUNTY SOIL AND WATER CONSERVATION DISTRICT

2110 W. PARK CT., SUITE C - CHAMPAIGN, ILLINOIS 61821 - TELEPHONE: (217) 398-5212

- Petition for Zoning Change or Amendment on Vacant or Agricultural Land
- Petition for Variation or Amendment on Vacant or Agricultural Land
- Petition for Subdividing Vacant or Agricultural Land
- Request for Natural Resource Report



Petitioner(s)  
BRIAN KRUTSINGER  
 Name  
1277 CR 2125 E.  
 Address  
ST. JOSEPH IL. 61823  
 City, State, Zip Code  
688-2479  
 Telephone

Contact Person (if applicable)  
 Name  
 Address  
 City, State, Zip Code  
 Telephone

Attach a detailed map of location, outlining perimeter measurements. Section 10 Township 18  
 Proposed type of storm water disposal: Storm & Drainage plan submitted to Champaign Co.  
 Proposed type of sewage disposal system: Septic.  
 Proposed source of water: well

Section 22.02a of the Illinois Soil and Water Conservation District Law states as follows:

Sec. 22.02a The Soil and Water Conservation District shall make all natural resource information available to the appropriate county agency or municipality in the promulgation of zoning, ordinances or variances. Any person who petitions any municipality or county agency in the district for variation, amendment, or other relief from that municipality's or county's zoning ordinance or who proposes to subdivide vacant or agricultural lands therein shall furnish a copy of such petition or proposal to the Soil and Water Conservation District. The Soil and Water Conservation District shall be given not more than 30 days from the time of receipt of the petition or proposal to issue its written opinion concerning the petition or proposal and submit the same to the appropriate county agency or municipality for further action. Added by Act approved December 3, 1971.

It is also understood that the petitioner(s) or their agent(s) give permission for a representative(s) of the Champaign County Soil and Water Conservation District to go on property or properties referred to in this petition, to make on-sight investigations as deemed necessary by the Champaign County Soil and Water Conservation District Board.

There shall be a fee assessed by the Champaign County Soil and Water Conservation District to cover the cost of the administration of this request.

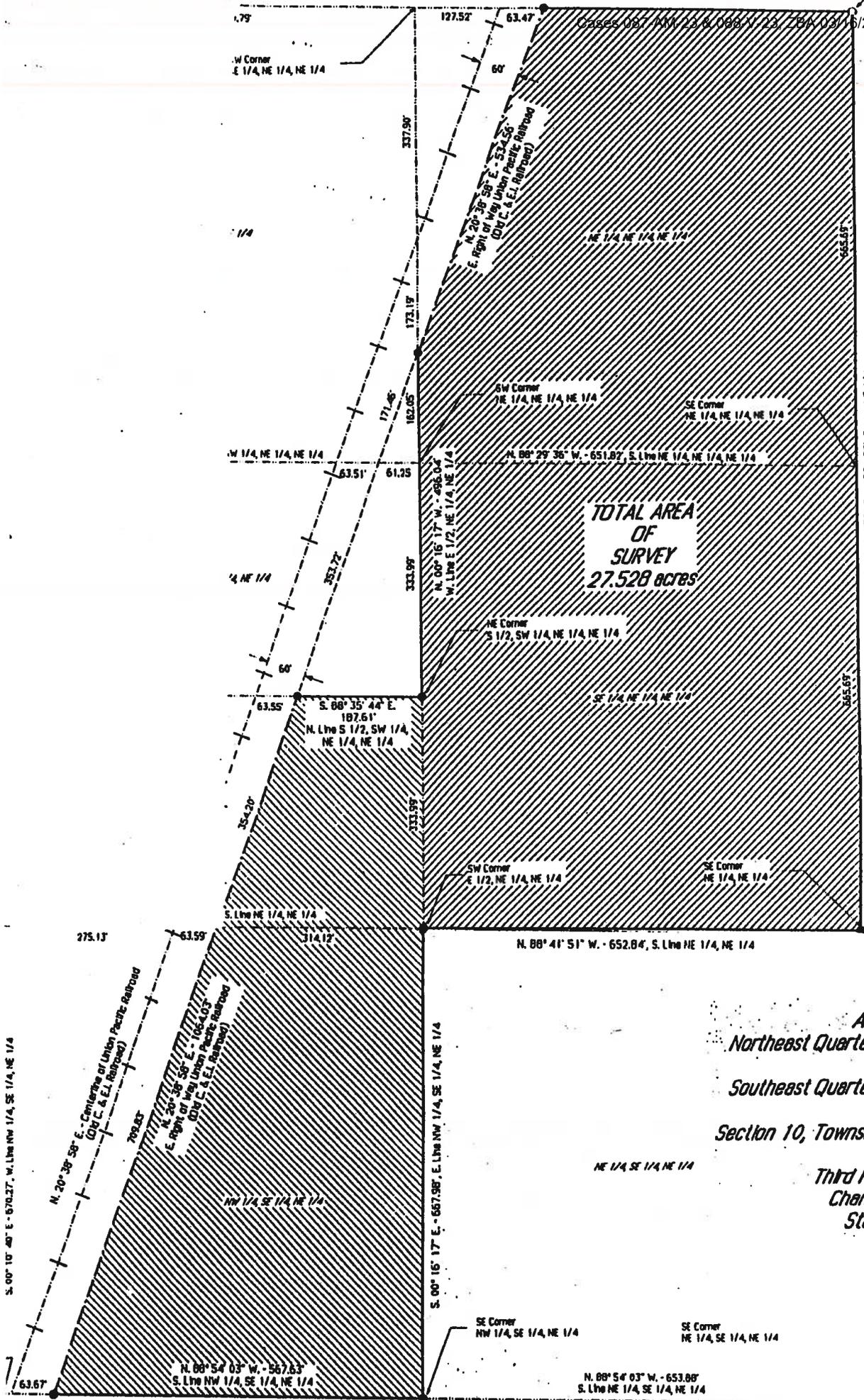
The fee schedule is as follows:

One (1) acre or less ..... \$100.00  
 Each additional acre or fractional acre ..... \$ 3.00  
 i.e. (5.1 to 6.0 acres - fee would equal \$115.00)

Date request made 3/23/00 (OFFICE USE ONLY) Date received 3-27-2000  
 Fee paid \$ #190. - ~~etc~~ Cash Date due \_\_\_\_\_  
 Date fee paid 3/23/2000 Hearing date JUNE 1, 2000

\*\*\* All information MUST be completed in order for process to begin. \*\*\*

Signed [Signature] Date 3/27/00  
 Petitioner(s) or Agent(s)



A Part of the  
 Northeast Quarter of the Northeast Quarter  
 and the  
 Southeast Quarter of the Northeast Quarter  
 of  
 Section 10, Township 18 North, Range 10 East  
 of the  
 Third Principal Meridian  
 Champaign County  
 State of Illinois

8024-3708  
 H.H.  
 Susan  
 Morfe



### 087-AM-23 & 088-V-23 Site Images



Residence and west barn from driveway facing SW



Residence and west barn from driveway facing SW

### 087-AM-23 & 088-V-23 Site Images



From east driveway facing south; barn at right is on subject property



From east driveway next to barn facing south

**PRELIMINARY DRAFT**

**087-AM-23**

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

---

Final Determination:     ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date:                         ***{March 16, 2023}***

Petitioners:               **Brian & Lana Krutsinger**

Request:                   **Amend the Zoning Map to change the zoning district designation for approximately 14 acres of the 30.37-acre subject property from the CR Conservation Recreation Zoning District to the AG-2 Agriculture Zoning District.**

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**Table of Contents**

**Finding of Fact .....1 - 14**

**Documents of Record..... 15**

**Case 087-AM-23 Summary Finding of Fact.....16 - 17**

**Case 087-AM-23 Final Determination ..... 18**

**Case 087-AM-23****PRELIMINARY DRAFT**

Page 2 of 18

**FINDING OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Brian and Lana Krutsinger own the subject property.
2. The subject property is a 30.37-acre tract in the East Half of the Northeast Quarter of Section 10, Township 18N, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as the Krutsinger residence located at 2197 CR 1100N, Sidney.
  - A. The proposed rezoning area is approximately 18 acres, which was verified by the Boundary Survey by Berns, Clancy and Associates received March 7, 2023, after the legal notice for the cases had been placed indicating 14 acres for the rezoning.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Sidney, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases. Notice of the public hearing was sent to the Village.
  - B. The subject property is located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions have protest rights on a Map Amendment.
4. Regarding comments by petitioners, when asked on the petition what error in the present Ordinance is to be corrected by the proposed change, the petitioner has indicated: **“We want part of the tract to stay in the CR (Zoning District) to protect the floodplain and stream while allowing development opportunities on the other part of the tract.”**
5. Regarding comments by the petitioners when asked on the petition what other circumstances justify the rezoning, the petitioners stated the following: **“We had inquiries on the sale of property that did not align with the current zoning.”**

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

6. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The 30.37-acre subject property is currently zoned CR Conservation Recreation and is residential in use.
    - (1) The petitioner proposes rezoning approximately 14 acres of the northern part of the subject property to AG-2 Agriculture to provide more development opportunities for potential buyers.
    - (2) The petitioner proposes leaving the remainder of the 30.37-acre subject property in the CR Conservation Recreation Zoning District in order to protect the land closer to the Salt Fork River.
  - B. Land to the north and west of the subject property is zoned AG-1 Agriculture and is agricultural and residential use.

**PRELIMINARY DRAFT****Case 087-AM-23****Page 3 of 18**

- C. Land to the east and south of the subject property is zoned CR Conservation Recreation and is wooded area with some residential.
7. Regarding the site plan and proposed operations:
- A. The Site Plan received February 3, 2023, indicates the following existing conditions and proposed improvements:
- (1) Existing buildings and structures include:
    - a. A single family residence;
    - b. One 60 feet by 96 feet (5,760 square feet) barn to the northwest of the house;
    - c. One 62 feet by 120 feet livestock shed on the east side of the subject property; and
    - d. Two wells near the house.
  - (2) There are no proposed improvements at this time.
- B. Prior zoning permits for the subject property include:
- (1) Zoning Use Permit #167-00-02FP was approved on July 14, 2000 to construct a pond on the subject property.
  - (2) Zoning Use Permit #327-00-01 was approved on November 27, 2000 to construct a single family home with attached garage and a detached storage shed.
  - (3) Zoning Use Permit #145-04-06 was approved on June 1, 2004 to construct an in-ground swimming pool.
  - (4) Zoning Use Permit #090-05-03 was approved on April 13, 2005 to construct a detached storage building.
  - (5) Zoning Use Permit #223-06-01RHO was approved on February 8, 2007, to establish a Rural Home Occupation known as Krut's Electric.
- C. Prior zoning cases for the subject property include:
- (1) Case 234-S-00 was approved on June 1, 2000 to construct a 1.95-acre pond.

**GENERALLY REGARDING THE EXISTING AND PROPOSED ZONING DISTRICTS**

8. Regarding the existing and proposed zoning districts:
- A. Regarding the general intent of zoning districts (capitalized words are defined in the Ordinance) as described in Section 5 of the Ordinance:
- (1) 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.

***PRELIMINARY DRAFT***

- (2) The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development.
- B. Regarding the general locations of the existing and proposed zoning districts:
- (1) The CR DISTRICT is generally found along major stream networks.
- (2) The AG-2 DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.
- a. The subject property is approximately 0.63 mile from the Village of Sidney.
- C. Regarding the different uses that are authorized in the existing and proposed zoning districts by Section 5.2 of the Ordinance:
- (1) There are 8 types of uses authorized by right in the CR District and there are 15 types of uses authorized by right in the AG-2 District:
- a. The following seven uses authorized by right in the CR District are also authorized by right in the AG-2 District:
- (a) SINGLE FAMILY DWELLING;
- (b) SUBDIVISIONS totaling three LOTS or less;
- (c) AGRICULTURE, including customary accessory uses;
- (d) Roadside stand operated by farm operator;
- (e) ADULT USE CANNABIS CULTIVATION CENTER;
- (f) ADULT USE CANNABIS CRAFT GROWER;
- (g) TEMPORARY USES.
- b. The following five uses are authorized by right in the AG-2 District and not at all in the CR District:
- (a) Plant nursery;
- (b) Commercial breeding facility;
- (c) Christmas Tree Sales Lot;
- (d) OFF-PREMISES SIGN within 660' of the edge of the RIGHT-OF-WAY of an interstate highway; and
- (e) OFF-PREMISES SIGN along federal highways except interstate highways.
- c. There is one type of use authorized by right in the CR District but requires a Special Use Permit in the AG-2 District:
- (a) Public park or recreational facility.
- d. There are two uses that are authorized by right in the AG-2 District but require a Special Use Permit in the CR District:
- (a) Township highway maintenance garage; and
- (b) Country club or golf course.

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- (2) There are 34 types of uses authorized by Special Use Permit (SUP) in the CR District (including the two uses authorized by right in the AG-2 District, see above) and 84 types of uses authorized by SUP in the AG-2 District:
- a. The following 32 uses may be authorized by SUP in both the CR District and AG-2 District:
- (a) HOTEL – no more than 15 lodging units;
  - (b) Subdivisions totaling more than three lots or with new streets or private accessways (SUP requires approval by County Board);
  - (c) Major RURAL SPECIALTY BUSINESS;
  - (d) Artificial lake of 1 or more acres;
  - (e) Mineral extraction, quarrying, topsoil removal and allied activities;
  - (f) Elementary SCHOOL, Jr. High SCHOOL, or High SCHOOL;
  - (g) Church, temple, or church related TEMPORARY USES on church PROPERTY;
  - (h) Municipal or GOVERNMENT BUILDING;
  - (i) Township highway maintenance garage;
  - (j) Police station or fire station;
  - (k) Library, museum or gallery;
  - (l) Sewage disposal plant or lagoon;
  - (m) Electrical substation;
  - (n) Telephone exchange;
  - (o) Public fairgrounds;
  - (p) ADULT USE CANNABIS CULTIVATION CENTER;
  - (q) ADULT USE CANNABIS CRAFT GROWER;
  - (r) Resort or organized CAMP;
  - (s) Bait sales;
  - (t) Country Club Clubhouse;
  - (u) Lodge or private club;
  - (v) Outdoor commercial recreational enterprise (except amusement park);
  - (w) Public CAMP or picnic area;
  - (x) Riding Stable;
  - (y) Seasonal hunting or fishing lodge;
  - (z) Commercial fishing lake;
  - (aa) Pet Cemetery;
  - (bb) KENNEL;
  - (cc) VETERINARY HOSPITAL;
  - (dd) AGRICULTURAL DRAINAGE CONTRACTOR facility with no outdoor STORAGE and/or outdoor OPERATIONS;
  - (ee) AGRICULTURAL DRAINAGE CONTRACTOR facility with outdoor STORAGE and/or outdoor OPERATIONS; and
  - (ff) SMALL SCALE METAL FABRICATING SHOP.
- b. The following use may be authorized by Special Use Permit in the CR District and not at all in the AG-2 District:
- (1) PARKING LOT.

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- c. The following 52 uses may be authorized by SUP in the AG-2 District and not at all in the CR District:
- (a) TWO FAMILY DWELLING;
  - (b) Home for the aged;
  - (c) NURSING HOME;
  - (d) TRAVEL TRAILER camp;
  - (e) Residential PLANNED UNIT DEVELOPMENT;
  - (f) Commercial greenhouse;
  - (g) Greenhouse (not exceeding 1,000 square feet);
  - (h) Garden shop;
  - (i) Adaptive reuse of GOVERNMENT BUILDINGS for any USE permitted by right in B-1, B-2, B-3, B-4, B-5 and I-1;
  - (j) Penal or correctional institution;
  - (k) Private or commercial transmission and receiving towers (including antennas) over 100' in height;
  - (l) Water treatment plant;
  - (m) Radio or Television Station;
  - (n) MOTOR BUS station;
  - (o) Truck terminal;
  - (p) Railroad yards and freight terminals;
  - (q) AIRPORT;
  - (r) RESIDENTIAL AIRPORTS;
  - (s) RESTRICTED LANDING AREAS;
  - (t) HELIPORT/HELISTOPS;
  - (u) HELIPORT-RESTRICTED LANDING AREAS;
  - (v) Mortuary or funeral home;
  - (w) Farm Chemicals and Fertilizer Sales including incidental storage and mixing of blended fertilizer;
  - (x) Roadside produce sales stand;
  - (y) Feed and grain (sales only);
  - (z) Livestock Sales Facility and Stockyards;
  - (aa) Slaughter Houses;
  - (bb) Grain Storage Elevator and Bins;
  - (cc) ADULT CANNABIS TRANSPORTING ORGANIZATION;
  - (dd) Agronomic Research and Training Facility;
  - (ee) Artist studio;
  - (ff) RESIDENTIAL RECOVERY CENTER;
  - (gg) DATA CENTER;
  - (hh) Antique sales and service;
  - (ii) Amusement park;
  - (jj) Private indoor recreational development;
  - (kk) Stadium or coliseum;
  - (ll) Outdoor THEATRE;
  - (mm) Aviation sales, service or storage;
  - (nn) Cemetery or Crematory;
  - (oo) Self-storage warehouses, not providing heat/utilities to individual units;

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- (pp) OFF-PREMISES SIGN beyond 660' of the edge of the RIGHT-OF-WAY of an interstate highway;
  - (qq) LANDSCAPE WASTE PROCESSING FACILITIES;
  - (rr) Contractors Facilities (with no outdoor STORAGE nor outdoor OPERATIONS);
  - (ss) Contractors Facilities (with outdoor STORAGE and/or outdoor OPERATIONS);
  - (tt) Gas Turbine Peaker;
  - (uu) BIG WIND TURBINE TOWER (1-3 BIG WIND TURBINE TOWERS);
  - (vv) PV SOLAR ARRAY;
  - (ww) PV SOLAR FARM;
  - (xx) Wood fabricating shop and related activities;
  - (yy) Sawmills and planing mills, and related activities; and
  - (zz) Pre-existing industrial uses (existing prior to October 10, 1973).
- (4) Any proposed Special Use Permit can be evaluated on a case-by-case basis for compatibility with adjacent CR uses.

***GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES***

9. The County Board adopted the *Champaign County Land Resource Management Plan* (LRMP) on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
- A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:  
 “It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows...”
  - B. The LRMP defines Goals, Objectives, and Policies as follows:
    - (1) Goal: an ideal future condition to which the community aspires
    - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
    - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
  - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.”

***REGARDING RELEVANT LRMP GOALS & POLICIES***

(Note: bold italics typeface indicates staff’s recommendation to the ZBA)

10. LRMP Goal 1 is entitled “Planning and Public Involvement” and states:

**PRELIMINARY DRAFT****Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.**

Goal 1 is always relevant to the review of the LRMP Goals, Objectives, and Policies in land use decisions but the proposed rezoning will **NOT IMPEDE** the achievement of Goal 1.

11. LRMP Goal 2 is entitled “Governmental Coordination” and states:

**Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.**

Goal 2 has two objectives and three policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 2.

12. LRMP Goal 3 is entitled “Prosperity” and states:

**Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.**

Goal 3 has three objectives and no policies. The proposed amendment will **HELP ACHIEVE** Goal 3 for the following reasons:

- A. The three objectives are:

- (1) Objective 3.1 is entitled “Business Climate” and states: Champaign County will seek to ensure that it maintains comparable tax rates and fees, and a favorable business climate relative to similar counties.
- (2) Objective 3.2 is entitled “Efficient County Administration” and states: “Champaign County will ensure that its regulations are administered efficiently and do not impose undue costs or delays on persons seeking permits or other approvals.”
- (3) Objective 3.3 is entitled “County Economic Development Policy” and states: “Champaign County will maintain an updated Champaign County Economic Development Policy that is coordinated with and supportive of the LRMP.”

- B. Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of these objectives, the proposed rezoning will allow the Petitioner to hold events on the subject property with proper zoning and to serve residents of Champaign County; therefore the proposed rezoning will **HELP ACHIEVE** Goal 3.

13. LRMP Goal 4 is entitled “Agriculture” and states:

**Champaign County will protect the long-term viability of agriculture in Champaign County and its land resource base.**

Goal 4 has 9 objectives and 22 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 4.

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14. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

**Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.**

Goal 5 has 3 objectives and 15 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 5.

15. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

**Champaign County will ensure protection of the public health and public safety in land resource management decisions.**

Goal 6 has 4 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 6.

16. LRMP Goal 7 is entitled “Transportation” and states as follows:

**Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.**

Goal 7 has 2 objectives and 7 policies. The proposed amendment will **NOT IMPEDE** the achievement of Goal 7.

17. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

**Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.**

Goal 8 has 9 objectives and 36 policies. Objectives 8.1, 8.2, 8.3, 8.5, 8.6, 8.7, 8.8, and 8.9 and the subsidiary policies are not relevant to the proposed amendment. The proposed amendment will **HELP ACHIEVE** Goal 8 for the following reasons:

- A. Objective 8.4 states, “**Champaign County will work to ensure that new development and ongoing land management practices maintain and improve surface water quality, contribute to stream channel stability, and minimize erosion and sedimentation.**”

Policies 8.4.1, 8.4.2, 8.4.4, 8.4.5, and 8.4.6 are not relevant to the proposed amendment. The proposed rezoning will **HELP ACHIEVE** Objective 8.4 because of the following:

- (1) Policy 8.4.3 states, “**The County will encourage the implementation of agricultural practices and land management that promotes good drainage while maximizing stormwater infiltration and aquifer recharge.**”
- a. A portion of the subject property is in the flood hazard area, per FEMA FIRM panel 17019C0475D.
  - b. The proposed rezoning is only for the portion of the subject property that falls outside the flood hazard area in order to keep the flood hazard area in the CR Conservation Recreation Zoning District.

18. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:  
**Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.**

The proposed amendment will **NOT IMPEDE** the achievement of Goal 9.

19. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:  
**Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.**

The proposed amendment will **NOT IMPEDE** the achievement of Goal 10.

#### GENERALLY REGARDING THE LASALLE FACTORS

20. In the case of *LaSalle National Bank of Chicago v. County of Cook*, the Illinois Supreme Court reviewed previous cases and identified six factors that should be considered in determining the validity of any proposed rezoning. Those six factors are referred to as the *LaSalle* factors. Two other factors were added in later years from the case of *Sinclair Pipe Line Co. v. Village of Richton Park*. The *Champaign County Zoning Ordinance* does not require that map amendment cases be explicitly reviewed using all of the *LaSalle* factors but it is a reasonable consideration in controversial map amendments and any time that conditional zoning is anticipated. The proposed map amendment compares to the *LaSalle* and *Sinclair* factors as follows:

- A. **LaSalle factor: The existing uses and zoning of nearby property.** Table 1 below summarizes the land uses and zoning of the subject property and nearby properties.

**Table 1. Land Use and Zoning Summary**

| Direction | Land Use                  | Zoning  |
|-----------|---------------------------|---|
| Onsite    | Residential               | CR Conservation Recreation<br>(Proposed rezoning to AG-2) |
| North     | Residential               | AG-1 Agriculture  |
| West      | Agriculture               | AG-1 Agriculture  |
| East      | Residential, wooded areas | CR Conservation Recreation                                |
| South     | Wooded areas              | CR Conservation Recreation                                |

- B. **LaSalle factor: The extent to which property values are diminished by the particular zoning restrictions.** Regarding this factor:
- (1) It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided and so any discussion of values is necessarily general.
  - (2) Regarding the effect of the proposed amendment on the value of nearby properties:
    - a. The rezoning will be to an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.

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- C. **LaSalle factor: The extent to which the destruction of property values of the plaintiff promotes the health, safety, morals, and general welfare of the public.**
- (1) There has been no evidence submitted regarding property values.
  - (2) If the petitioners are denied the map amendment, the property can still be used as a residence.
- D. **LaSalle factor: The relative gain to the public as compared to the hardship imposed on the individual property owner.** Regarding this factor:
- (1) The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow more development opportunities for interested buyers of the subject property.
- E. **LaSalle factor: The suitability of the subject property for the zoned purposes.**
- (1) The existing residential use is a permitted use in the proposed AG-2 Agriculture Zoning District.
- F. **LaSalle factor: The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the subject property.** Regarding this factor:
- (1) The subject property is occupied and in residential use as zoned CR Conservation Recreation.
  - (2) Residential uses surround the subject property, and there has been no significant development in the area.
- G. **Sinclair factor: The need and demand for the use.** Regarding this factor:
- (1) The petitioners have had the property for sale and two different potential buyers were interested in developing the property for an events center. Those potential buyers backed out when they were informed of the need for rezoning and other permits. The petitioners are trying to ease the restrictions on developing the property for other than residential in response to their experience to date with potential buyers.
- H. **Sinclair factor: The extent to which the use conforms to the municipality's comprehensive planning.**
- (1) The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
- I. Overall, the proposed map amendment **IS CONSISTENT** with the LaSalle and Sinclair factors.

**REGARDING THE PURPOSE OF THE ZONING ORDINANCE**

21. The proposed amendment will **HELP ACHIEVE** the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:
  - A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

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This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

It is not clear whether the proposed rezoning will have any impact on the value of nearby properties without a formal real estate appraisal which has not been requested nor provided and so any discussion of values is necessarily general.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

- (1) The existing residential use does not have a significant impact on traffic.
- (2) Any potential change in use requiring a Special Use Permit will require consideration of traffic impacts.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

- (1) A portion of the subject property is in the flood hazard area, per FEMA FIRM panel 17019C0475D.
  - a. The portion of the subject property proposed for rezoning is not in the flood hazard area.
  - b. No existing buildings or structures are in the flood hazard area.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- (1) In regards to public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
- (2) In regards to public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
- (3) In a phone call received March 6, 2023, a neighbor to the west expressed concerns about the possibility of having an event center on the subject property. They said they did not want the traffic and noise that are associated with an event center, and they don't want people racing on the narrow road to get to an event center.

- F. Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph

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2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- G. Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed use and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- H. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed use will have to be conducted in compliance with those requirements.

- I. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The existing residential use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- J. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

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One purpose of the rezoning is to keep part of the subject property that is in the flood hazard area in the CR Conservation Recreation Zoning District so that the nearby Salt Fork River will be better protected.

- K. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The existing residential use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- L. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property does not have any land in crop production.

- M. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed rezoning will not hinder the development of renewable energy sources.

***REGARDING SPECIAL CONDITIONS OF APPROVAL***

22. Proposed Special Conditions of Approval:

- A. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

The above special condition is necessary to ensure the following:

**Conformance with Policy 4.2.3 of the Land Resource Management Plan.**

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1. Application for Map Amendment received February 3, 2023, with attachment:
  - A Proposed Site Plan
2. Land Evaluation and Site Assessment Score Worksheet completed by staff on February 6, 2023
3. Plat of Survey by Rex Bradfield recorded as document #2002R19297 on June 18, 2002
4. Natural Resource Report by the Champaign County Soil and Water Conservation District received February 17, 2023
5. Preliminary Memorandum dated January 18, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Site Plan received February 3, 2023
  - C Boundary Survey by Berns, Clancy & Associates received March 7, 2023
  - D Plat of Survey by Rex Bradfield recorded as document #2002R19297 on June 18, 2002
  - E Clip of Bradfield Survey showing dam structure details
  - F Village of Sidney approval for splitting the property received March 7, 2023
  - G LRMP Land Use Goals, Objectives, and Policies
  - H LRMP Appendix of Defined Terms
  - I Right to Farm Resolution 3425
  - J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 17, 2023
  - K Site Visit Photos taken February 28, 2023
  - L Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 087-AM-23 dated March 16, 2023
  - M Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 088-V-23 dated March 16, 2023

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**SUMMARY FINDING OF FACT FOR CASE 087-AM-23**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed Zoning Ordinance map amendment will **HELP ACHIEVE** the Land Resource Management Plan because:
  - A. Regarding Goal 3:
    - (1) Although the proposed rezoning is **NOT DIRECTLY RELEVANT** to any of the Goal 3 objectives, the proposed rezoning will allow potential buyers to utilize the property somewhat more intensively.
    - (2) Based on achievement of the above and because it will either not impede or is not relevant to the other Objectives and Policies under this goal, the proposed map amendment will **HELP ACHIEVE** Goal 3 Prosperity.
  - B. Regarding Goal 8:
    - (1) The proposed amendment will **HELP ACHIEVE** Goal 8 because it will **HELP ACHIEVE** the following:
      - a. Policy 8.4.3 requiring the implementation of agricultural practices and land management that promote good drainage while maximizing stormwater infiltration and aquifer recharge (see Item 17.A.(1)).
  - C. The proposed amendment will **NOT IMPEDE** the following LRMP goal(s):
    - Goal 1 Planning and Public Involvement
    - Goal 2 Governmental Coordination
    - Goal 4 Agriculture
    - Goal 5 Urban Land Use
    - Goal 6 Public Health and Safety
    - Goal 7 Transportation
    - Goal 9 Energy Conservation
    - Goal 10 Cultural Amenities
  - D. Overall, the proposed map amendment will **HELP ACHIEVE** the Land Resource Management Plan.
2. The proposed Zoning Ordinance map amendment **IS** consistent with the *LaSalle* and *Sinclair* factors because of the following:
  - A. It is impossible to establish values without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.
  - B. In regards to the value of nearby residential properties, the requested map amendment should not have any effect. Regarding the effect on nearby properties:
    - (1) The rezoning will be to an agricultural zoning district, and therefore is not expected to affect the value of nearby properties.

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- C. The gain to the public of the proposed rezoning could be positive because the proposed amendment would allow more development opportunities for interested buyers of the subject property.
  - D. The ZBA has recommended that the proposed rezoning will **HELP ACHIEVE** the Champaign County Land Resource Management Plan.
  - E. Overall, the proposed map amendment **IS** consistent with the LaSalle and Sinclair factors.
3. The proposed Zoning Ordinance map amendment **{WILL / WILL NOT} HELP ACHIEVE** the purpose of the Zoning Ordinance because:
- A. The proposed rezoning **WILL** lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters (Purpose 2.0 (d) Item 21.D.).
  - B. The proposed rezoning **WILL** promote the public health, safety, comfort, morals, and general welfare (Purpose 2.0 E. Item 21.E.)
  - C. Establishing the AG-2 District at this location will maintain the rural character of the site (Purpose 2.0 (q) Item 21.L).
  - D. The proposed rezoning will not hinder the development of renewable energy sources (Purpose 2.0(r) Item 21.M).

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**FINAL DETERMINATION**

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County recommends that:

The Zoning Ordinance Amendment requested in **Case 087-AM-23** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

**SUBJECT TO THE FOLLOWING SPECIAL CONDITION:**

- A. The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

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**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: *{March 16, 2023}*

Petitioners: **Brian and Lana Krutsinger**

Request: **Authorize a variance in the CR Conservation Recreation Zoning District for a proposed lot with an access width of 15 feet in lieu of the minimum required 20 feet per Section 4.2.1 H., and with access passable to emergency vehicles of 15 feet in width in lieu of the minimum required 20 feet, per Section 4.2.1 I. 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 **March 16, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Brian and Lana Krutsinger own the subject property.
2. The subject property is a 30.37-acre tract in the East Half of the Northeast Quarter of Section 10, Township 18N, Range 10 East of the Third Principal Meridian in Sidney Township and commonly known as the Krutsinger residence located at 2197 CR 1100N, Sidney.
  - A. The proposed lot to be split off is approximately 12 acres, as shown in the Boundary Survey by Berns, Clancy & Associates received March 7, 2023.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is within the one and one-half mile extraterritorial jurisdiction of the Village of Sidney, a municipality with zoning. Zoned municipalities have protest rights in Map Amendment cases but not in variance cases. Notice of the public hearing was sent to the Village.
  - B. The subject property is located within Sidney Township, which does not have a Planning Commission. Townships with Planning Commissions have protest rights on a Map Amendment but not in variance cases.

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

4. Regarding land use and zoning on and adjacent to the subject property:
  - A. The 30.37-acre subject property is currently zoned CR Conservation Recreation and is residential in use.
    - (1) The petitioner proposes rezoning approximately 18 acres of the northern part of the subject property to AG-2 Agriculture to provide more development opportunities for potential buyers.
    - (2) The petitioner proposes leaving the remainder of the 30.37-acre subject property in the CR Conservation Recreation Zoning District in order to protect the land closer to the Salt Fork River.
  - B. Land to the north and west of the subject property is zoned AG-1 Agriculture and is agricultural and residential use.
  - C. Land to the east and south of the subject property is zoned CR Conservation Recreation and is wooded area with some residential.

**GENERALLY REGARDING THE PROPOSED SITE PLAN**

5. Regarding the site plan of the subject site:
  - A. The Site Plan received February 3, 2023, indicates the following existing conditions and proposed improvements:
    - (1) Existing buildings and structures include:
      - a. A single family residence;

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- b. One 60 feet by 96 feet (5,760 square feet) barn to the northwest of the house;
  - c. One 62 feet by 120 feet livestock shed on the east side of the subject property; and
  - d. Two wells near the house.
- (2) There are no proposed improvements at this time.
- B. Prior zoning permits for the subject property include:
- (1) Zoning Use Permit #167-00-02FP was approved on July 14, 2000 to construct a pond on the subject property.
  - (2) Zoning Use Permit #327-00-01 was approved on November 27, 2000 to construct a single family home with attached garage and a detached storage shed.
  - (3) Zoning Use Permit #145-04-06 was approved on June 1, 2004 to construct an in-ground swimming pool.
  - (4) Zoning Use Permit #090-05-03 was approved on April 13, 2005 to construct a detached storage building.
  - (5) Zoning Use Permit #223-06-01RHO was approved on February 8, 2007, to establish a Rural Home Occupation known as Krut's Electric.
- C. Prior zoning cases for the subject property include:
- (1) Case 234-S-00 was approved on June 1, 2000 to construct a 1.95-acre pond.
- D. The required variance is as follows:
- (1) Authorize a variance in the CR Conservation Recreation Zoning District for a proposed lot with an access width of 15 feet in lieu of the minimum required 20 feet per Section 4.2.1 H., and with access passable to emergency vehicles of 15 feet in width in lieu of the minimum required 20 feet, per Section 4.2.1 I. of the Champaign County Zoning Ordinance.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES**

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
- (1) "ACCESS" is the way MOTOR VEHICLES move between a STREET or ALLEY and the principal USE or STRUCTURE on a LOT abutting such STREET or ALLEY.
  - (2) "ACCESS STRIP" is that part of a FLAG LOT which provides the principal ACCESS to the LOT, and has FRONTAGE upon a STREET.

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- (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, FLAG” is an interior LOT separated from STREETS by intervening LOTS except for an ACCESS STRIP which provides FRONTAGE upon a STREET.
- (5) “LOT LINES” are the lines bounding a LOT.
- (6) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
  - (a) MAJOR STREET: Federal or State highways
  - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
  - (c) MINOR STREET: Township roads and other local roads.
- (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. 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.

- C. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

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

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“Existing horse barn and mature line of trees prevent having 20 feet of driveway width.”**
- B. Regarding the proposed variance:
- (1) Ordinance #527 was approved by the Champaign County Board on February 18, 1997, for a text amendment to the Zoning Ordinance in case 055-AT-96.
- a. The amendment added Section 4.2.1 H., which required that “no STRUCTURE shall be CONSTRUCTED nor USE established upon or moved to a LOT which does not abut and have access to a public street or abut a private accessway for a distance of no less than 20 feet at a point at which the LOT has the right of ACCESS to the STREET.”
- b. The amendment also added Section 4.2.1 I., which required that “the principal use on all lots shall have ACCESS to a STREET consisting of solid ground passable to emergency vehicles, no less than twenty feet in width, and located entirely within the LOT LINES.”
- C. The proposed eastern access drive is limited to 15 feet of width by the horse barn and 16 feet of width over the pond’s dam toward the south end of the pond.

***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, **“Without the variance we could not divide the land into good zoning lots.”**
- B. Regarding the proposed Variance:
- (1) Without the proposed variance, the petitioners would be unable to divide the property into two good zoning 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.”**
- B. There is an existing barn and a dam structure that limit the width of the access to the proposed lot.

**PRELIMINARY DRAFT****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, **“We want to create this lot to protect the CR district and floodplain.”**
  - B. Regarding the requested variance for a lot that does not abut and have access to a public street for a width of at least 20 feet: the requested variance is 75% of the minimum required, for a variance of 25%.
  - C. Regarding the proposed variance for a lot without access to a street consisting of solid ground passable to emergency vehicles no less than 20 feet in width: the requested variance is 75% of the minimum required, for a variance of 25%.
  - D. Regarding the proposed variance:
    - (1) Zoning Case 055-AT-96, approved on February 18, 1997, established the need for a 20 feet wide access drive consisting of solid ground passable to emergency vehicles due to safety concerns expressed by first responders.
    - (2) The Sidney Fire Protection District has been notified of this variance and no comments have been received.
  - E. The petitioners are in the process of dividing off the portion of the property that is in floodplain so that area can stay in the CR Conservation Recreation Zoning District and therefore be better protected from possible development. The existing 15-foot-wide access drive is for the lot remaining in the CR district.
  - F. 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 Petitioner has testified on the application: **“This makes use of an existing driveway. There is adequate space for emergency vehicles.”**
  - B. The Sidney Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Sidney 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 did not provide a response on the application.

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

13. Regarding proposed special conditions of approval:

**No special conditions are currently proposed.**

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**DOCUMENTS OF RECORD**

1. Variance Application received on February 3, 2023, with attachment:
  - A Site Plan
2. Plat of Survey by Rex Bradfield recorded as document #2002R19297 on June 18, 2002
3. Boundary Survey by Berns, Clancy & Associates received March 7, 2023
4. Village of Sidney approval for splitting the property received March 7, 2023
5. Preliminary Memorandum dated March 8, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Proposed Site Plan received February 3, 2023
  - C Boundary Survey by Berns, Clancy & Associates received March 7, 2023
  - D Plat of Survey by Rex Bradfield recorded as document #2002R19297 on June 18, 2002
  - E Clip of Bradfield Survey showing dam structure details
  - F Village of Sidney approval for splitting the property received March 7, 2023
  - G LRMP Land Use Goals, Objectives, and Policies
  - H LRMP Appendix of Defined Terms
  - I Right to Farm Resolution 3425
  - J Natural Resource Report from the Champaign County Soil and Water Conservation District received February 17, 2023
  - K Site Visit Photos taken February 28, 2023
  - L Draft Finding of Fact, Summary Finding of Fact and Final Determination for Case 087-AM-23 dated March 16, 2023
  - M Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 088-V-23 dated March 16, 2023

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **088-V-23** held on **March 16, 2023**, 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. *There is an existing barn and a dam structure on the subject property that prevent the access drive from being wider than 15 feet.*
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. *Without the proposed variance, the petitioners would be unable to divide the property into two good zoning lots.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
  - a. *There is an existing barn and a dam structure that limit the width of the access to the proposed lot.*
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 petitioners are in the process of dividing off the portion of the property that is in floodplain so that area can stay in the CR Conservation Recreation Zoning District and therefore be better protected from possible development. The existing 15-foot-wide access drive is for the lot remaining in the CR district.*
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, 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:
  - a. *There is an existing barn and a dam structure on the subject property that prevent the access drive from being wider than 15 feet.*
7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

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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 **088-V-23** is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioners, **Brian and Lana Krutsinger**, to authorize the following in the CR Conservation Recreation Zoning District:

**Authorize a variance for a proposed lot with an access width of 15 feet in lieu of the minimum required 20 feet per Section 4.2.1 H., and with access passable to emergency vehicles of 15 feet in width in lieu of the minimum required 20 feet, per Section 4.2.1 I. of the Champaign County Zoning Ordinance.**

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

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

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals  
Date