

CASE 216-V-26
PRELIMINARY MEMORANDUM
July 23, 2026

Petitioners: **Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood**

Request: **Authorize a variance for two proposed 5.34-acre lots in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Location: **An existing 10.68-acre agricultural lot that is part of the East ⅓ of the Northeast ¼ of the Northeast ¼ of Section 14, Township 18 North, Range 7 East of the Third Principal Meridian in Colfax Township, commonly known as farmland owned by Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood with PIN 05-25-14-200-006.**

Site Area: **10.68 acres**

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

Prepared by: **Charlie Campo**, Senior Planner
John Hall, Zoning Administrator

BACKGROUND

The petitioners Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood own the 10.68-acre subject property. The petitioners jointly own the subject property that was part of a family members' estate. They seek to divide the property into two individually owned lots. The subject property is currently farmed by a family member, and the petitioners propose to keep the two proposed properties in agricultural production.

The P&Z Department has not received any comments regarding the proposed variance, and staff does not propose any special conditions of approval.

EXTRATERRITORIAL JURISDICTION

The subject property is not located within the one and one-half mile extraterritorial jurisdiction of any municipality with zoning.

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

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Agriculture	AG-1 Agriculture
North	Single Family Residence	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture/Seed Research	AG-1 Agriculture

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

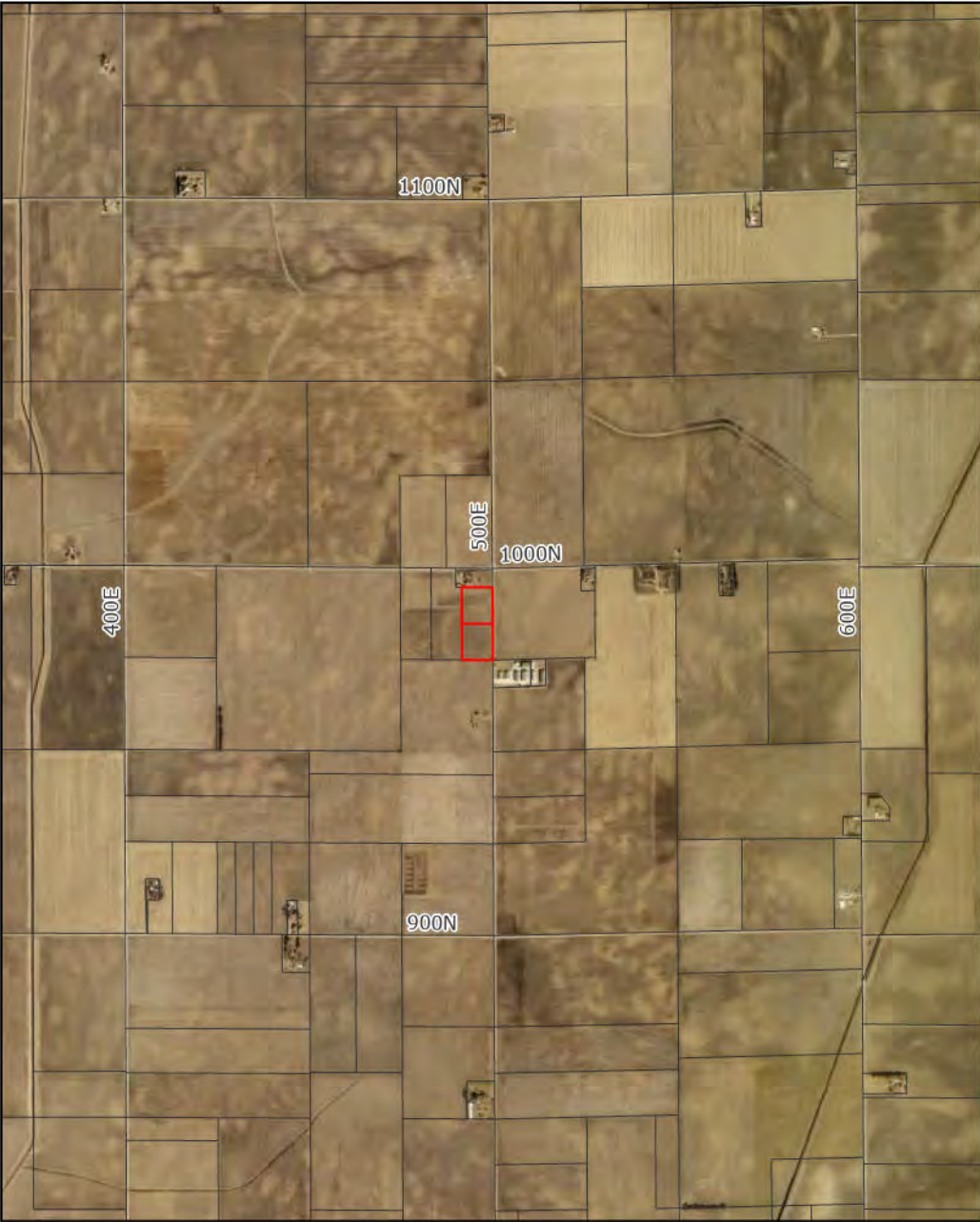
- A Case Maps (Location, Land Use, Zoning)
- B Preliminary Plat of Survey received June 5, 2026
- C 2026 Annotated Aerial Photo
- D Soils Map
- E Reason for Variance narrative received June 5, 2026
- F Site Images taken July 23, 2026
- G Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 216-V-26 dated July 30, 2026

Location Map

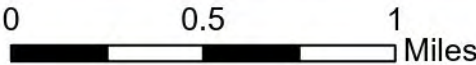
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Subject Property



 Subject Parcels



Property location in Champaign County



Land Use Map

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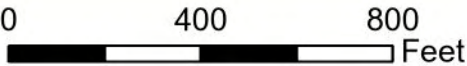
Subject Parcels Residential Agricultural Seed Research

0 400 800
Feet

Zoning Map
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 Subject Parcels  AG-1 Agriculture





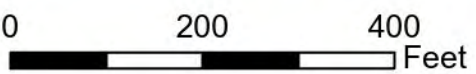
Proposed Parcels

0 200 400 Feet

Annotated 2026 Aerial with Soils
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 Proposed Parcels



The 10+ acre parcel was willed by Rita Ferris to two of her sister's families. Family #1 is Michael Nolan and Elizabeth Burgess, Family #2 is Steven and Tim Wood. The parcel has been farmed since Rita Ferris's death by the Wood family and will be continued to be farmed. After ten years the two families have agreed to split the land due to estate planning of each of the parties. It is requested that the division of this parcel be granted.

RECEIVED

JUN 05 2026

CHAMPAIGN CO. P & Z DEPARTMENT

216-V-26 Site Images



From 500E looking north along subject property (on left).



From 500E looking south along subject property (on right).

216-V-26 Site Images



From 500E looking northwest toward subject property.



From 500E at southwest corner of subject property looking south toward neighboring property.

PRELIMINARY DRAFT

216-V-26

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

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

Date: ***July 30, 2026***

Petitioners: **Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood**

Request: **Authorize a variance for two proposed 5.34-acre lots in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **May 14, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioners Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood are the owners of the 10.69-acre subject property. The property is part of the East $\frac{1}{3}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 14, Township 18 North, Range 7 East of the Third Principal Meridian in Colfax Township, with PIN 05-25-14-200-006.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Colfax Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 10.69-acre subject property is zoned AG-1 Agriculture and is in agricultural production.
 - B. Land to the north, south, east and west is zoned AG-1 Agriculture. Land to the north is residential, land to the east and west and south is in agricultural production and land to the southeast is a seed research facility.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Draft Plat of Survey received on June 5, 2026, indicates the following:
 - (1) Two 5.34 acre lots
 - (2) The petitioner is not proposing any additional changes at this time.
 - B. There are no previous Zoning Use Permits for the subject property.
 - C. There are no previous zoning cases for the subject property.
 - D. The existing 10.69-acre lot was created prior to the adoption of the 3-acre maximum lot size for properties on best prime farmland.
 - E. The petitioners are proposing to create two 5.34 acre lots for estate planning purposes.
 - F. The requested variance is for the two proposed 5.34 acre lots in lieu of the maximum allowed 3 acres in area for lots with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 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) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment form the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - (b) Soils that, in combination on a subject site, have an average Land Evaluation (LE) of 91 or higher, as determined by the Champaign County LESA System; or
 - (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
 - (4) “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.
 - (5) “LOT LINES” are the lines bounding a LOT.
 - (6) “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.

PRELIMINARY DRAFT

- B. Section 5.3 of the Zoning Ordinance Footnote 13 states:
13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
- A) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
- 1) The LOT is RRO-exempt;
 - 2) The LOT is made up of soils that are BEST PRIME FARMLAND; and
 - 3) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
- a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner testified the following on the application: **“There are no circumstances. The land is owned by two families and needs to be divided.”**

- B. The subject property was originally part of a 40-acre tract that was divided into thirds. Approximately 2.5 acres were divided off for an existing farmstead leaving the existing 10.69-acre lot.
- C. The petitioners want to divide the property that is owned jointly by multiple families into individually owned lots.
- D. The proposed 10-acre lot is comprised of 152A Drummer Silty Clay and 198A Elburn silt loam. Both soil types are considered BEST PRIME FARMLAND and the proposed lot has an average LE score of 100.
- E. The petitioners propose to keep the land in agricultural production.

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 testified the following on the application: **“None, the land will continue to be farmed.”**
 - B. Without the proposed variance, the multiple families would have to continue to own the property jointly or sell their stake in the property to another family member or sell the property to a third party and divide the proceeds.

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 testified the following on the application: **“No, the exception is the result of the will of the party’s aunt, Rita Ferris.”**
 - B. The property was willed jointly to multiple family members. The family members would like to own their portions of the property individually.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioners testified the following on the application: **“The land has been farmed and will continue to be farmed. There is one home adjacent, the rest is farmland.”**
 - B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.

- C. Ordinance No. 914 (Case 711-AT-12) approved on November 27, 2012, revised the best prime farmland definition to have a Land Evaluation (LE) rating of 91 or higher rather than the previous rating of 85 or higher, and also included the rule that any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System would be considered Best Prime Farmland.
 - (1) The proposed 10-acre lot meets the current definition of Best Prime Farmland, and therefore a variance is necessary.
- D. The two proposed 5.34-acre lots are 178% of the required three acre maximum, for a variance of 78%.
- E. No land is proposed to be taken out of production.
- 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 Petitioners testified the following on the application: **“The land will continue to be farmed.”**
 - B. The Colfax Township Highway Commissioner has been notified of this variance, and no comments have been received.
 - C. The Colfax Township Supervisor has been notified of this variance, and no comments have been received.
 - D. The Sadorus 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 Petitioners testified the following on the application: **“All parties are getting up in age and need to have the property divided for estate planning.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. **No special conditions are proposed at this time.**

DOCUMENTS OF RECORD

1. Application for Variance received June 5, 2026, with attachments:
 - A Preliminary Plat of Survey showing the two proposed 5.34 acre lots
 - B Legal description of proposed 10-acre lot
 - C Reason for Variance narrative

2. Preliminary Memorandum dated May 7, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Preliminary Plat of Survey received June 5, 2026
 - C 2026 Annotated Aerial Photo
 - D Soils Map
 - E Reason for Variance narrative received June 5, 2026
 - F Site Images taken July 23, 2026
 - G Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 216-V-26 dated July 30, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **216-V-26** held on **July 30, 2026**, 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. ***The petitioners jointly own the 10.68-acre subject property and want to divide the property for estate planning purposes.***
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 multiple families would have to continue to own the property jointly, sell their stake in the property to another family member or sell the property to a third party and divide the proceeds.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***The property was willed jointly to multiple family members. The family members would like to own their portions of the property individually.***
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. ***No land is proposed to be taken out of production.***
5. The requested variance **~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ ***{WILL / WILL NOT}***** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***Relevant jurisdictions have been notified of this case, and no comments have been received.***
6. The requested variance **~~*{SUBJECT TO THE PROPOSED CONDITION}*~~ ***{IS / IS NOT}***** the minimum variation that will make possible the reasonable use of the land/structure because: ***It is the minimum lot size that will allow the petitioners to divide the property into two equal lots.***
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

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 **216-V-26** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Michael Nolan, Elizabeth Burgess, Steve Wood and Tim Wood**, to authorize the following:

Authorize a variance for two proposed 5.34-acre lots in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date