

## **CASE NO. 911-V-18**

PRELIMINARY MEMORANDUM

July 19, 2018

**Petitioners: Laura Ehmen, agent for Eunice Ehmen, Taylor Ehmen, and Roderick Beyers**

**Request: Authorize a variance in the AG-1 Agriculture Zoning District for the creation of a lot on best prime farmland that is ~~4.36~~ 3.961 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Subject Property: Part of a 76.87 acre tract of land located in the Northwest Quarter of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, with an address of 2071 Homer Lake Road, St. Joseph.**

**Site Area: ~~4.36~~ 3.961 acres**

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

**Prepared by: Susan Burgstrom  
Senior Planner**

**John Hall  
Zoning Administrator**

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

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

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## **BACKGROUND**

The petitioners would like to divide off the existing 3.961 acre homestead from the 76.87 acre parent tract. Eunice Ehman, the land owner, intends to sell the 3.961 acre homestead to one relative, and sell the land in agricultural production to another relative. The proposed 3.961 acre lot is a flag lot that matches the homestead yard area, which has not changed in many years.

The homestead has been in the family for decades, with little change to buildings, grounds, and features (see Attachment C: 1973 Aerial Photo). No changes are anticipated to the proposed lot. The family would like to achieve Centennial Farm status by keeping both pieces of the tract in the family.

## **EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial jurisdiction of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases. The petitioners have a verbal agreement from the Village of St. Joseph to waive their subdivision regulations, and have requested written confirmation from the Village.

The subject property is located within St. Joseph Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and do receive notification of such cases.

## EXISTING LAND USE AND ZONING

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

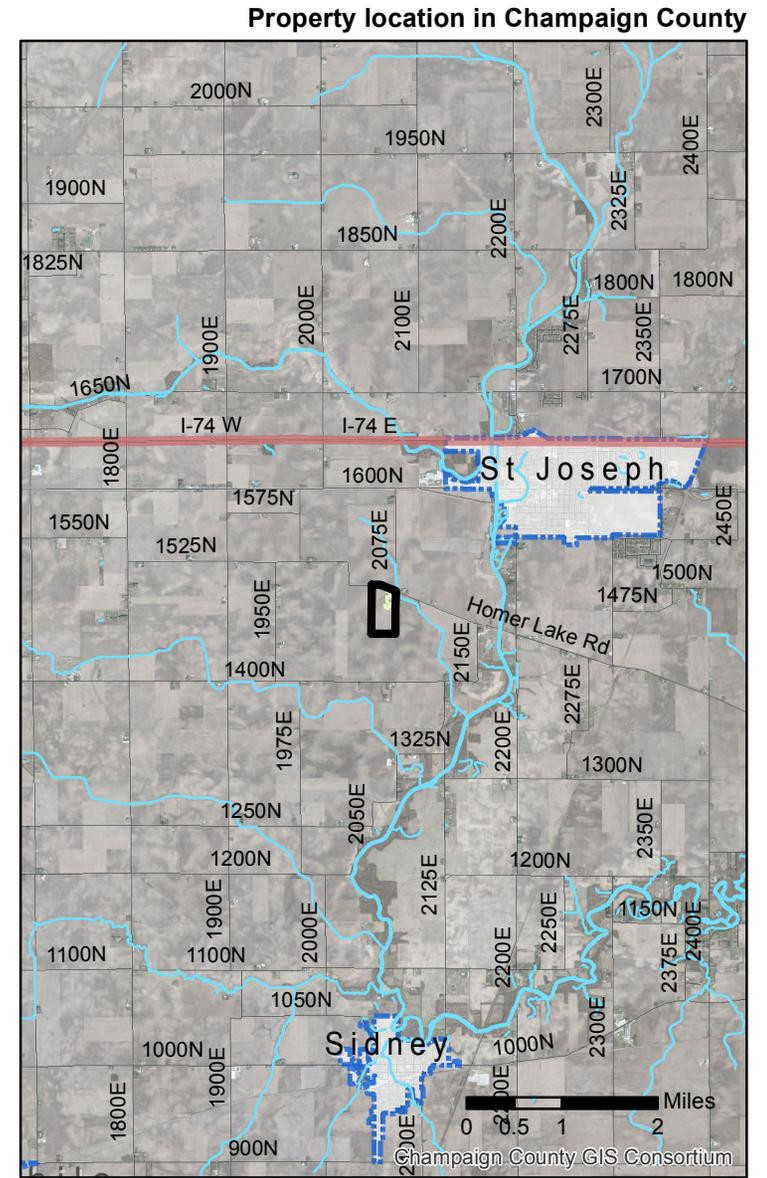
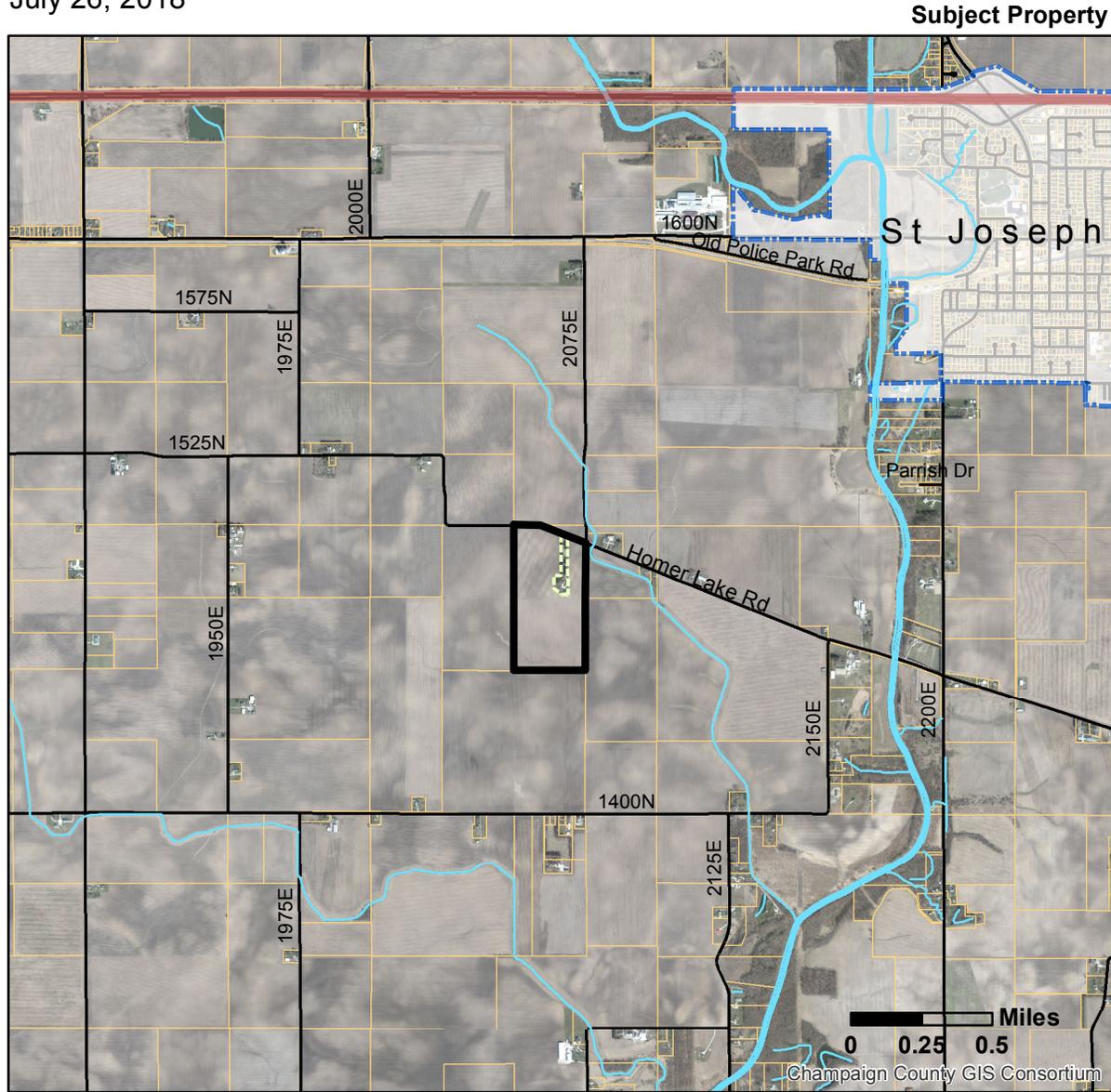
Direction	Land Use	Zoning
Onsite	Agriculture and residential	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture and residential	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan (Plat of Survey) received July 13, 2018
- C 1973 Aerial Photo
- D Site Images taken July 9, 2018
- E Summary of Evidence, Finding of Fact, and Final Determination for Case 911-V-18 dated July 26, 2018

# Location Map

Case 911-V-18  
July 26, 2018



## Legend

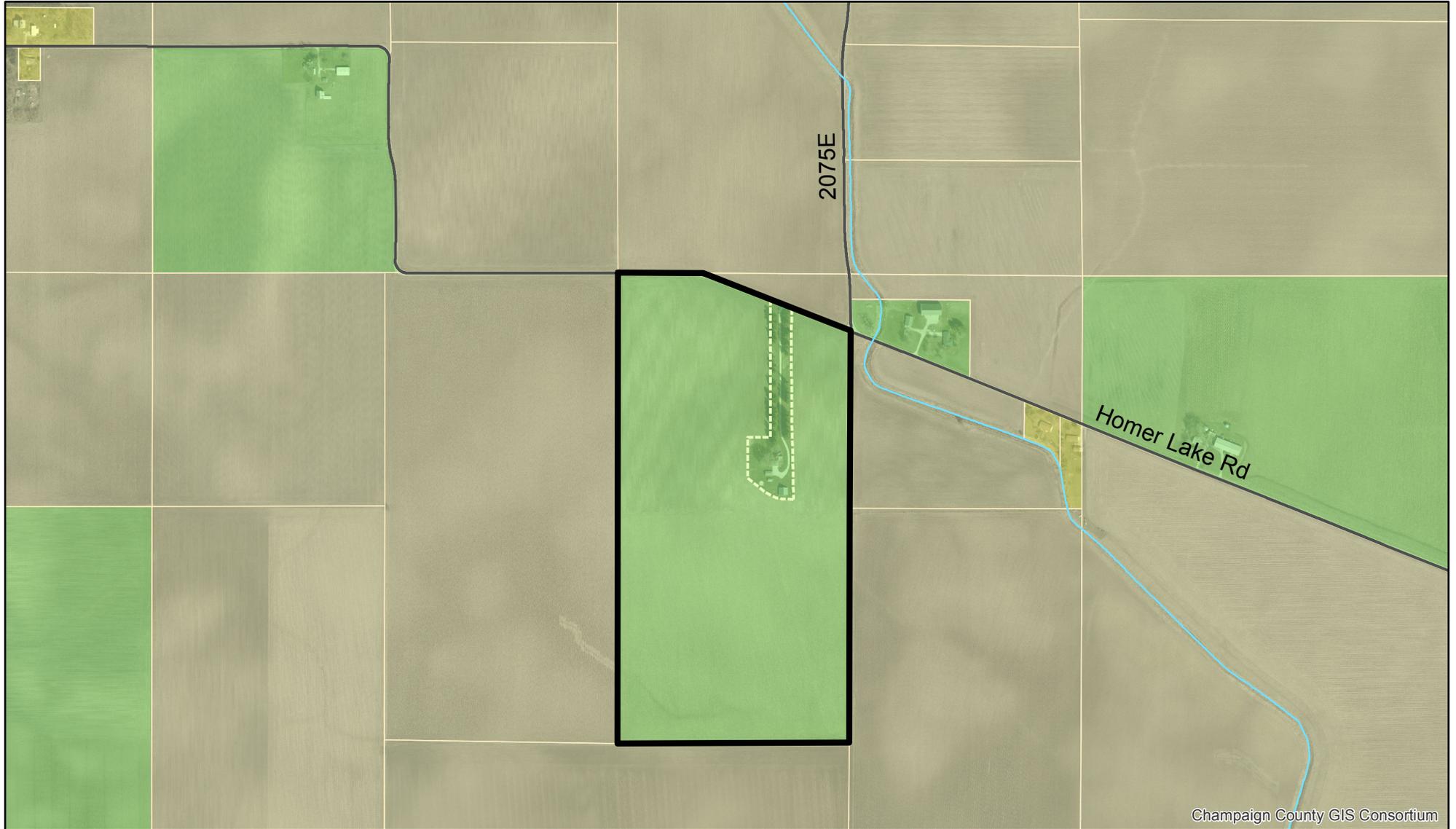
- Parent Tract
- Municipal Boundary
- Proposed Lot
- Streets
- Streams
- Parcels



Champaign County  
Department of  
**PLANNING &  
ZONING**

# Land Use Map

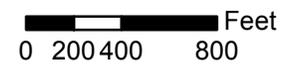
Case 911-V-18  
July 26, 2018



Champaign County GIS Consortium

## Legend

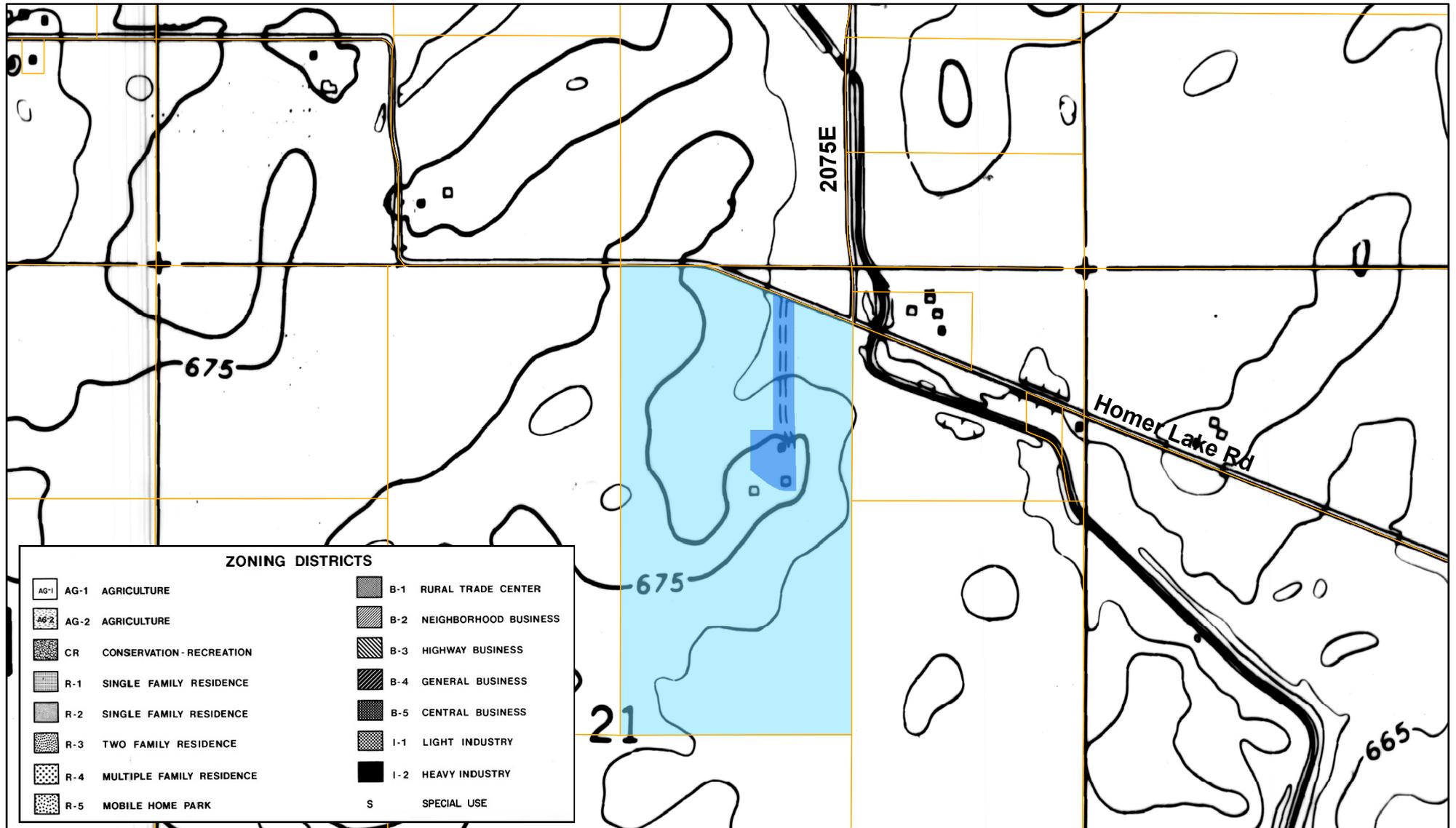
- Proposed Lot
- Parent Tract
- Agriculture
- Agriculture/Residential
- Residential
- Streets
- Streams



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 911-V-18  
July 26, 2018



## Legend

- Parcels
- Proposed Lot
- Parent Tract

0 200 400 800 Feet



# PLAT OF SURVEY

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21 TOWNSHIP 19 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN CHAMPAIGN COUNTY, ILLINOIS

## LEGAL DESCRIPTION

Tract 2:

Part of the West Half of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian, more particularly described as:

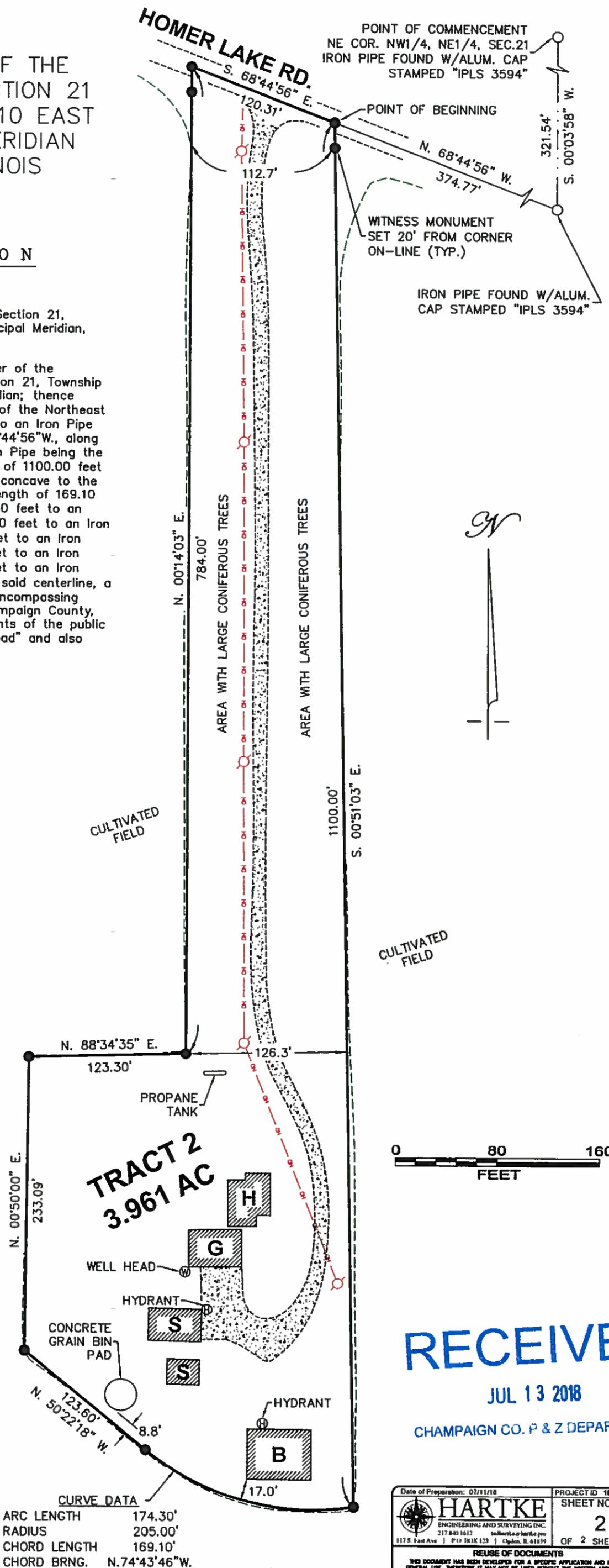
Commencing at an Iron Pipe at the Northeast Corner of the Northwest Quarter of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian; thence S.00°03'58"W., along the East line of the West Half of the Northeast Quarter of said Section, a distance of 321.54 feet to an Iron Pipe on the centerline of Homer Lake Road; thence N.68°44'56"W., along said centerline, a distance of 374.77 feet to an Iron Pipe being the Point of Beginning; thence S.00°51'03"E., a distance of 1100.00 feet to an Iron Pipe; thence Northwestery along an Arc concave to the Northeast with a radius of 205.00 feet and chord length of 169.10 feet bearing N.74°43'46"W., an arc distance of 174.30 feet to an Iron Pipe; thence N.50°22'18"W., a distance of 123.60 feet to an Iron Pipe; thence N.00°50'00"E., a distance of 233.09 feet to an Iron Pipe; thence N.88°34'35"E., a distance of 123.30 feet to an Iron Pipe; thence N.00°14'03"E., a distance of 784.00 feet to an Iron Pipe on said centerline; thence S.68°44'56"E., along said centerline, a distance of 120.31 feet to the Point of Beginning, encompassing 3.961 acres, more or less, all being situated in Champaign County, Illinois and said real estate being subject to the rights of the public in the roadway commonly known as "Homer Lake Road" and also being subject to existing public utilities.

## LEGEND

- Existing Survey Monument
- 1/2" X 30" Iron Pipe Set with I.P.L.S. 3594 Identification Cap
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- · — · — Section Line
- Cultivation Line
- Edge of Road Surface
- - - - - Overhead Utility Line
- Utility Pole
- H House
- G Garage
- S Shed
- B Barn
- ▨ Crushed Stone Surface
- ⊕ Well Head
- ⊕ Hydrant

## NOTES

- Client Name: Dan Ehmen
- Field Work Completion Date: July 6, 2018
- This property lies within 1.5 miles of the Village Limits of St. Joseph, Illinois
- Basis of Bearings: NAD 1983 (2011 Adjustment), Illinois State Plane Coordinate System (East Zone 1201)
- Utilities and other improvements exist, but are not shown on this survey.
- REFERENCE:  
Plat of Survey by Hartke Engineering & Surveying, Inc. Dated November 10, 2017



**RECEIVED**  
 JUL 13 2018  
 CHAMPAIGN CO. P & Z DEPARTMENT

Date of Preparation: 07/11/18	PROJECT ID: 18013000
<b>HARTKE</b> ENGINEERING AND SURVEYING INC. 217 S. 8th St.   P.O. Box 123   Upton, IL 61859	SHEET NO. 2 OF 2 SHEETS
REUSE OF DOCUMENTS THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE IT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF HARTKE ENGINEERING AND SURVEYING, INC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.	

# PLAT OF SURVEY

## PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21 TOWNSHIP 19 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN CHAMPAIGN COUNTY, ILLINOIS

### LEGAL DESCRIPTION

Tract 1:  
Part of the West Half of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian, more particularly described as:

Beginning at an Iron Pipe at the Northwest Corner of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian; thence S.89°30'35"E., along the North line of said Quarter Section, a distance of 431.51 feet to an Iron Pipe on the centerline of Homer Lake Road, thence Southeasterly along said centerline being a curve concave to the Southwest with a radius of 600.00 feet and chord length of 148.66 feet bearing S.75°51'55"E., an arc distance of 149.04 feet to an Iron Pipe; thence S.68°44'56"E., along said centerline, a distance of 313.05 feet to an Iron Pipe; thence S.00°14'03"W., a distance of 784.00 feet to an Iron Pipe; thence S.88°34'35"W., a distance of 123.30 feet to an Iron Pipe; thence S.00°50'00"W., a distance of 233.09 feet to an Iron Pipe; thence S.50°22'18"E., a distance of 123.60 feet to an Iron Pipe; thence Southeasterly along an Arc concave to the Northeast with a radius of 205.00 feet and chord length of 169.10 feet bearing S.74°43'46"E., an arc distance of 174.30 feet to an Iron Pipe; thence N.00°51'03"W., a distance of 1100.00 feet to an Iron Pipe on said centerline; thence S.68°44'56"E., along said centerline, a distance of 374.77 feet to an Iron Pipe on the East line of the West Half of said Quarter Section; thence S.00°03'58"W., along said East line, a distance of 2357.59 feet to an Iron Pipe situated at the Southeast Corner of said West Half; thence N.89°47'29"W., along the South line of said Quarter Section, a distance of 1332.29 feet to an Iron Pipe at the Center of said Section; thence N.00°07'54"E., along the West line of said West Half, a distance of 2685.66 feet to the Point of Beginning, encompassing 74.854 acres, more or less, all being situated in Champaign County, Illinois and said real estate being subject to the right of the public in the roadway commonly known as "Homer Lake Road" and also being subject to existing public utilities.

### LEGEND

- Existing Survey Monument
- 1/2" X 30" Iron Pipe Set with I.P.L.S. 3594 Identification Cap
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- Section Line
- △ Stone Found
- ▨ Area of Tract 2 (See Page 2)

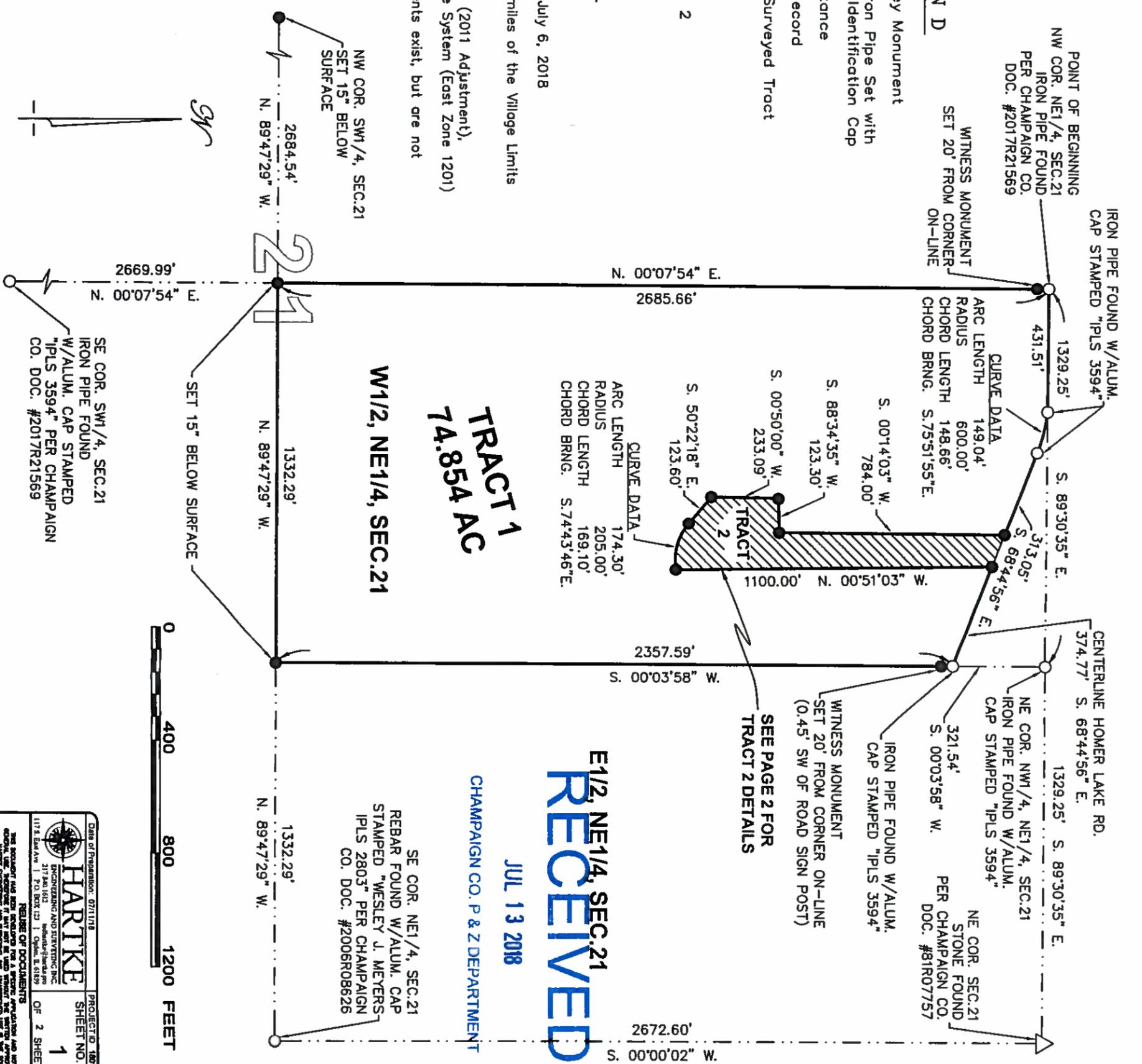
### NOTES

1. Client Name: Dan Ehmen
2. Field Work Completion Date: July 6, 2018
3. This property lies within 1.5 miles of the Village Limits of St. Joseph, Illinois
4. Basis of Bearings: NAD 1983 (2011 Adjustment), Illinois State Plane Coordinate System (East Zone 1201)
5. Utilities and other improvements exist, but are not shown on this survey.
6. REFERENCE:  
Plat of Survey by Hortke Engineering & Surveying, Inc.  
Dated November 10, 2017

This professional service conforms to the current Illinois minimum standards for a boundary survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Ogden, Illinois, this 11th day of July, 2018.

*Theodore P. Hartke*  
Theodore P. Hartke  
Illinois Professional Land Surveyor No. 3594

DAN EHMEN #18013000 EHMEN FARM.DWG



SE COR. SW1/4, SEC.21  
IRON PIPE FOUND  
W/ALUM. CAP STAMPED  
"PLS 3594" PER CHAMPAIGN  
CO. DOC. #2017R21569

Date of Production: 07/11/18 PROJECT ID: 18013000  
**HARTKE**  
 ENGINEERING AND SURVEYING, INC.  
 217 S. W. 1612  
 1178 East Ave | P.O. Box 123 | Ogden, IL 61869  
 RELEASE OF DOCUMENTS  
 SHEET NO. 1 OF 2 SHEETS

# 1973 Aerial Photo

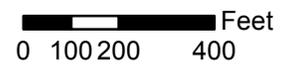
Case 911-V-18  
July 26, 2018



Champaign County GIS Consortium

## Legend

-  Parent Tract
-  Proposed Lot



### 911-V-18 Site Images



**Existing residence from Homer Lake Road facing east-southeast**



**Existing residence from Homer Lake Road facing south**

**PRELIMINARY DRAFT**

**911-V-18**

**FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

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

Date: *{JULY 26, 2018}*

Petitioners: **Laura Ehmen, agent for Eunice Ehmen, Taylor Ehmen, Roderick Beyers**

Request: **Authorize a variance in the AG-1 Agriculture Zoning District for the creation of a lot on best prime farmland that is ~~4.36~~ 3.961 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Champaign County Zoning Ordinance.**

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Eunice Ehmen owns the 76.87 acre tract from which 3.961 acres would be removed. Laura Ehmen is the agent for Eunice Ehmen in this case. The 3.961 acre lot would transfer to Taylor Ehmen, and the remaining farmland would transfer to Roderick Beyers.
2. The subject property is part of an existing 76.87 acre tract of land located in the Northwest Quarter of the Northeast Quarter of Section 21, Township 19 North, Range 10 East of the Third Principal Meridian in St. Joseph Township, with an address of 2071 Homer Lake Road, St. Joseph.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases. The petitioners have a verbal agreement from the Village of St. Joseph to waive their subdivision regulations, and have requested written confirmation from the Village.
  - B. The subject property is located within St. Joseph Township, which has a Planning Commission. Townships with Plan Commissions have protest rights on a variance and do 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 subject property is currently zoned AG-1 Agriculture and is a farmstead in agricultural production.
  - B. Land to the north, south, east, and west of the subject property is also zoned AG-1 Agriculture and is in agricultural production. There is one adjacent farmstead to the east of the parent tract on the north side of Homer Lake Road.

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

5. Regarding the site plan for the subject property:
  - A. The site plan is a survey received July 13, 2018, and indicates the following:
    - (1) The proposed 3.961 acre lot is a flag lot that matches the homestead yard area, which has not changed in many years, per the 1973 Champaign County aerial photography.
    - (2) Existing structures on the property include:
      - a. A residence that was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
      - b. A 30 feet by 42 feet detached garage located southwest of the house;
      - c. A 25 feet by 42 feet detached shed located southwest of the garage;

**PRELIMINARY DRAFT**

- d. A 25 feet by 20 feet detached shed;
  - e. A 50 feet by 40 feet barn;
  - f. A 25 feet diameter concrete grain bin pad;
  - g. A well on the southwest corner of the garage; and
  - h. Hydrants located northeast of the larger shed and north of the barn.
  - g. All existing structures did not require construction permits because they were either constructed prior to October 10, 1973, or were constructed under an agricultural exemption.
- (2) There is no construction proposed on the subject property.
- B. There are no Zoning Use Permits for the subject property.
- C. The requested variance on the application received June 21, 2018, was for a lot size of 4.36 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland, per Section 5.3 of the Zoning Ordinance.
- (1) The requested variance shown on the Plat of Survey received July 13, 2018, is for a lot size of 3.961 acres.

**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.

**PRELIMINARY DRAFT**

- (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
- (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
  - (b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or
  - (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
- (4) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
- (5) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
- (6) “LOT LINES” are the lines bounding a LOT.
- (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.
- (8) “WELL SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be WELL SUITED OVERALL if the site meets these criteria:
- a. The site is one on which the proposed development can be safely and soundly accommodated using simple engineering and common, easily maintained construction methods with no unacceptable negative effects on neighbors or the general public; and
  - b. The site is reasonably well-suited in all respects and has no major defects.
- 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:

**PRELIMINARY DRAFT**

- (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 has testified on the application: **“Looking to divide the homestead area of family 5<sup>th</sup> generation farm.”**
  - B. The proposed 3.961 acre lot is a flag lot that matches the homestead yard area, which has not changed in many years, per the 1973 Champaign County aerial photography.
  - C. Regarding the soils that make up the subject property:
    - (1) The soil on the proposed 3.96 acre lot is BEST PRIME FARMLAND and consists of Flanagan silt loam (154A), Catlin silt loam (171B), and Drummer silty clay loam (152A), and has an average LE of 97.
    - (2) The proposed 3.96 acre lot has not been farmed in decades.

**PRELIMINARY DRAFT**

**GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE**

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioners testified on the application that, **“The 4.3 acres is the minimum size to maintain the homestead.”**
- (1) The 4.3 acres was an estimate made prior to completion of the Plat of Survey; the Plat of Survey showing 3.961 acres is the accurate lot area.
- (2) The proposed 3.961 acre lot is a flag lot that matches the homestead yard area, which has not changed in many years, per the 1973 Champaign County aerial photography.
- B. Without the proposed variance, the owner would have to create a smaller lot by removing existing lawn area and trees, which would reduce the size of the original homestead and destroy natural buffers to adjacent agricultural production.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioners testified on the application that, **“No, the owner wants to split the lot to benefit 2 different family members.”**
- B. The homestead was established many years before the current owner took possession, and the homestead’s general area has not changed for decades, per the 1973 Champaign County aerial photography.
- C. The owner would not be able to sell the land to two different family members – one who is interested in only the farmland, and the other who is only interested in the residence.

**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 on the application: **“Conserving property values of land, building and structures throughout the county, maintain the agriculture production.”**
- 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. The proposed lot area of approximately of 3.961 acres is 132% of the required three acre maximum, for a variance of 32%.

**PRELIMINARY DRAFT**

- D. The proposed 3.961 acre lot is a flag lot that matches the homestead yard area, which will not take any land out of agricultural production.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioners testified on the application, **“No changes will be made to land use.”**
  - B. St. Joseph Drainage District #4 has been notified of this variance but no comments have been received.
  - C. The St. Joseph Township Highway Commissioner has been notified of this variance but no comments have been received.
  - D. The St. Joseph Township Supervisor has been notified of this variance but no comments have been received.
  - E. The St. Joseph-Stanton Fire Protection District has been notified of this variance but 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 on the application, **“Not wanting to change uses of farms, just want to put in new family member’s name, to make a century farm.”**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 13. Regarding proposed special conditions of approval:  
**No special conditions are proposed at this time.**

**DOCUMENTS OF RECORD**

1. Application for Variance Permit received June 21, 2018
2. Site Plan (Plat of Survey) received July 13, 2018
2. Preliminary Memorandum dated July 19, 2018, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan (Plat of Survey) received July 13, 2018
  - C 1973 Aerial Photo
  - D Site Images taken July 9, 2018
  - E Summary of Evidence, Finding of Fact, and Final Determination for Case 911-V-18 dated July 26, 2018

**PRELIMINARY DRAFT****FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **911-V-18** held on **July 26, 2018**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance **{SUBJECT TO THE PROPOSED CONDITION} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

**PRELIMINARY DRAFT**

**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 **911-V-18** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Laura Ehmen, agent for Eunice Ehmen, Taylor Ehmen, and Roderick Beyers**, to authorize the following variance in the AG-1 Agriculture Zoning District:

**Authorize a variance in the AG-1 Agriculture Zoning District for the creation of a lot on best prime farmland that is 3.691 acres in lieu of the maximum area of 3 acres for lots with soils that are best prime farmland, 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:

\_\_\_\_\_  
Catherine Capel, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

\_\_\_\_\_  
Secretary to the Zoning Board of Appeals  
Date