

## **CASE NO. 021-V-21**

PRELIMINARY MEMORANDUM  
OCTOBER 19, 2021

Petitioner: **Rita Musson**

Request: **Authorize a variance for a 5.015-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

Subject Property: **A 139.8-acre tract in the Northwest Quarter of Section 2, Township 17 North, Range 7 East of the Third Principal Meridian in Sadorus Township, with an address of 570 CR 400E, Sadorus.**

Site Area: **5.015 acres of a 139.8-acre parent tract**

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

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

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### **BACKGROUND**

Petitioner Rita Musson would like to split and square off 5.015 acres for the home site from the tillable land on an 80-acre tract for estate planning purposes. The proposed lot split needs a variance from the County for creating a lot greater than three acres on Best Prime Farmland.

The petitioner stated in their application that they want to create a lot that maximizes the ease of tillage, minimizing the amount of change on the ground, and creating a lot as desired for estate planning purposes. The existing homestead area encompasses about 2.9 acres when squared off around the grass area, but she said it would be less than the minimum desired for equitable distribution of her estate.

P&Z Staff created a map dated September 22, 2021 showing the proposed lot split over a 2020 aerial photo to demonstrate how squaring off the homestead might change tillable area (Attachment C). Another map showing the proposed lot over a 1988 aerial can be found in Attachment D. Both maps show a green line estimating the yard area at the time each aerial photo was taken.

The P&Z Department received phone calls from two adjacent property owners asking for clarification about the case. Once the variance was explained to them, neither had concerns with the proposed variance. No comments have been received from relevant jurisdictions.

### **RECOMMENDATION FOR DENIAL**

P&Z Staff have written the draft summary Findings of Fact that support a denial for this variance because creating a lot greater than three acres on best prime farmland solely for estate planning purposes does not reflect the intent of protecting best prime farmland. Even one negative finding triggers a denial for a variance, so the Board needs to take this into consideration when discussing how they would like to proceed with the Findings of Fact.

## EXTRATERRITORIAL JURISDICTION

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

The subject property is located in Sadorus Township, which does not have 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**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Farmstead	AG-1 Agriculture
North	Agriculture, Residential	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Agriculture, Residential	AG-1 Agriculture

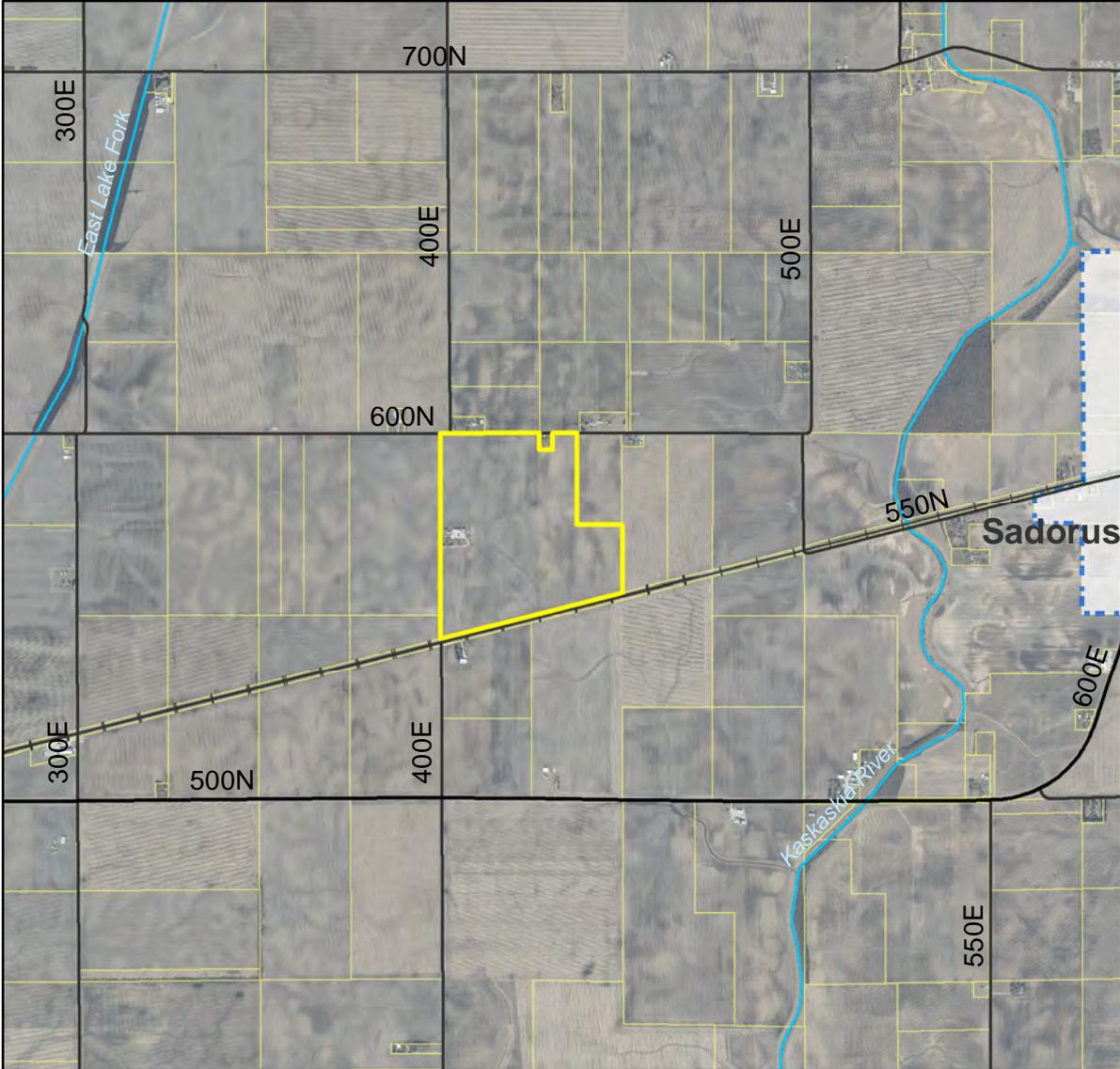
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan: Plat of Survey created by Robert L. Cox dated June 22, 2021 and received September 3, 2021
- C Annotated 2020 aerial photo created by P&Z Staff on September 22, 2021
- D 1988 aerial photo showing the proposed lot split created by P&Z Staff on September 22, 2021
- E Site Images taken September 27, 2021
- F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 021-V-21 dated October 28, 2021

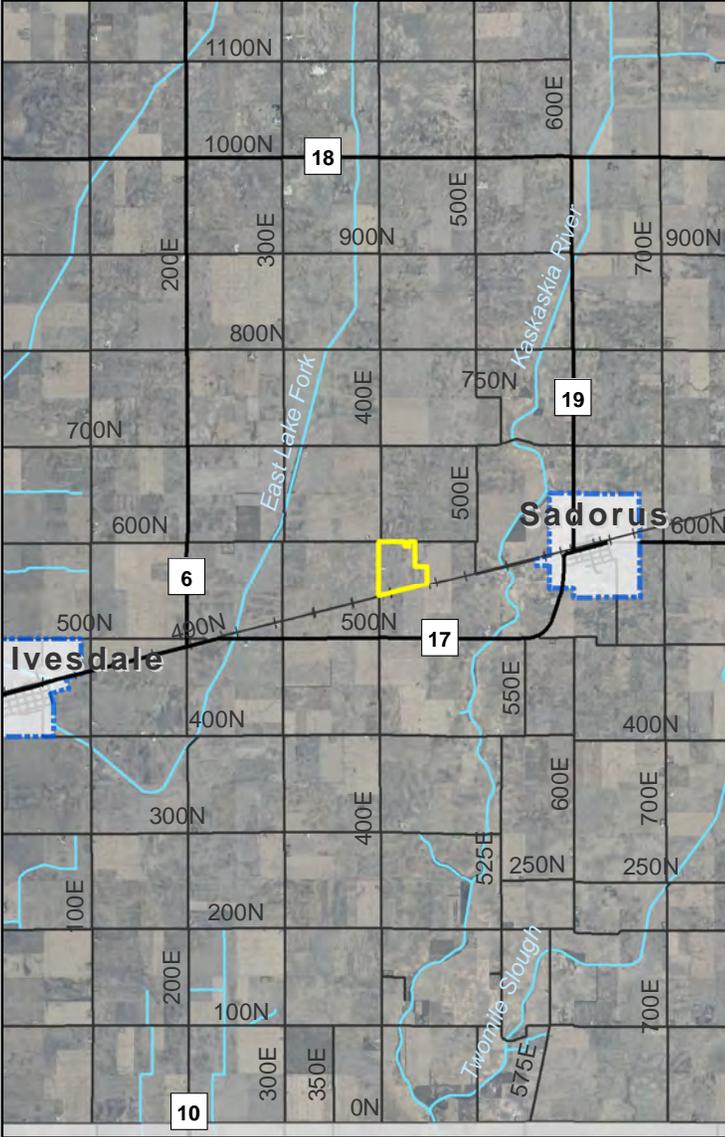
# Location Map

Case 021-V-21  
October 28, 2021

### Subject Property



### Property location in Champaign County

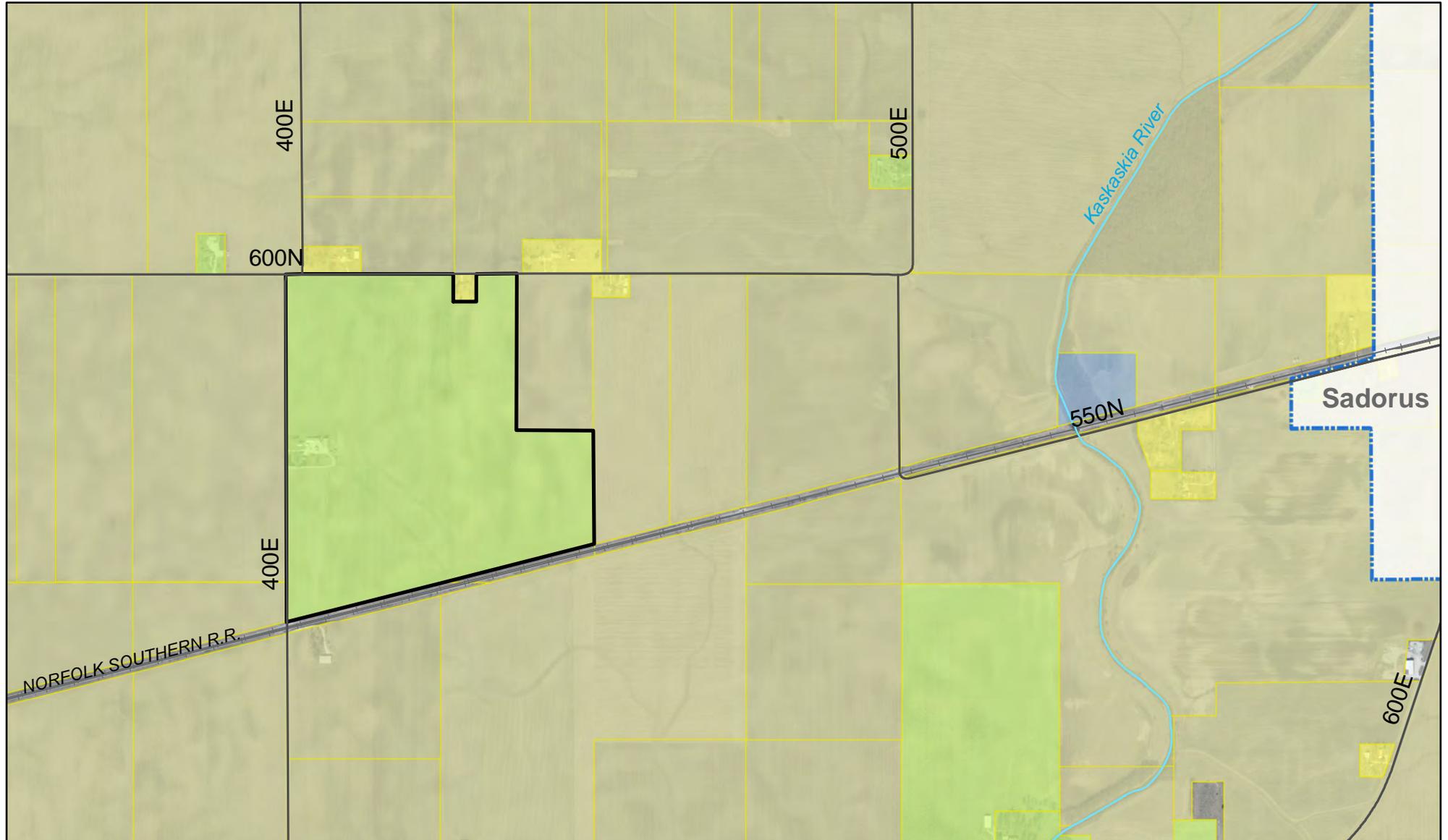


- Legend**
- Subject Property
  - Municipal Boundary
  - Parcels



# Land Use Map

Case 021-V-21  
October 28, 2021



## Legend

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

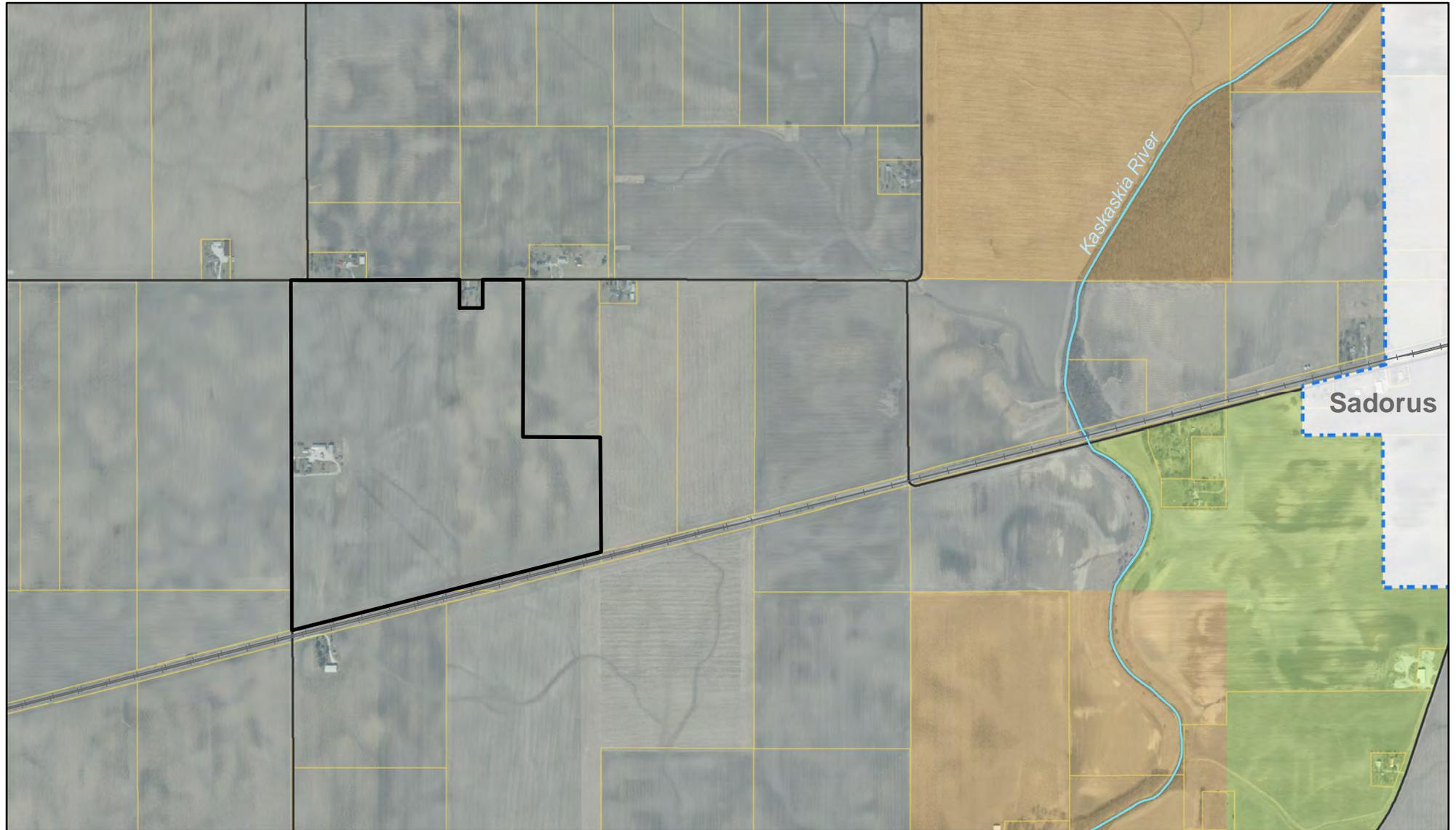
0 300 600 1,200 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Case 021-V-21  
October 28, 2021



## Legend

-  Subject Property
-  Parcels
-  AG-1 Agriculture
-  AG-2 Agriculture
-  CR Conservation-Recreation

0 300 600 1,200 Feet





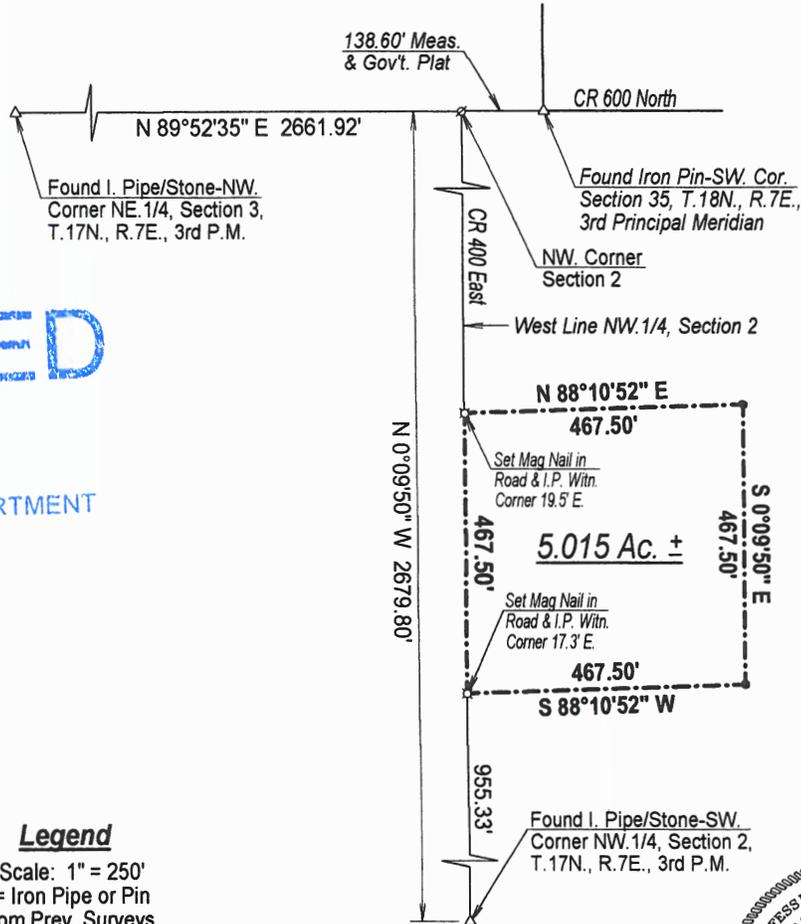
**COX LAND SURVEYING**  
 P.O. Box 184, Mt. Zion, IL 62549  
 Phone: (217)756-3252  
 ALTA BOUNDARY  
 SUBDIVISION TOPOGRAPHICAL

Professional Design Firm License No. 184.005532  
 (License Expires 04/30/2023)

(R. Musson)  
 Proj. No. 59-21  
 P.C.S. File '21

## Plat of Survey

That part of the Northwest 1/4, of Section 2, Township 17 North, Range 7 East of the Third Principal Meridian, Champaign County, Illinois, described as follows: commencing at a stone marking the South-west corner of the Northwest 1/4, of said Section 2; thence N.0°09'50"W.-955.33 feet along the West line of the Northwest 1/4, of said Section 2 to a mag nail set for the point of beginning; thence continuing N.0°09'50"W.-467.50 feet along said West line to a mag nail set; thence N.88°10'52"E.-467.50 feet to an iron pin set; thence S.0°09'50"E.-467.50 feet to an iron pin set; thence S.88°10'52"W.-467.50 feet to the point of beginning, containing 5.015 acres, more or less.



RECEIVED

SEP 03 2021

CHAMPAIGN CO. P & Z DEPARTMENT



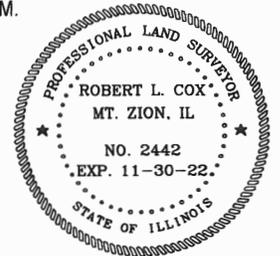
### Legend

Scale: 1" = 250'  
 ○ = Iron Pipe or Pin From Prev. Surveys  
 ● = 5/8" Iron Pin Set This Survey

### Graphic Scale



Bearings are based on the Illinois State Plane Coordinate System - (West Zone)



Fieldwork completed: June '21 (RC)

### Survey Notes:

- 1.) The field and office procedures were performed by me, or under my direct supervision in the month of June 2021.
- 2.) No investigation was made concerning environmental or subsurface conditions or the existence of underground utilities in the course of this survey.
- 3.) No investigation was made concerning the compliance or non-compliance with local zoning ordinances in effect, if any, in the course of this survey.
- 4.) The boundary of this property was determined by the physical location of existing monumentation in Section 2 and the surrounding sections.
- 5.) This professional service conforms with the current IPLSA Minimum Standards of Practice applicable to boundary surveys.

### Surveyor's Certificate

I, Robert L. Cox, Illinois Professional Land Surveyor Number 2442, do hereby certify to the best of my knowledge and belief, that this plat correctly represents the results of a survey performed in the month of June 2021, in accordance with state statutes governing survey work in the State of Illinois.

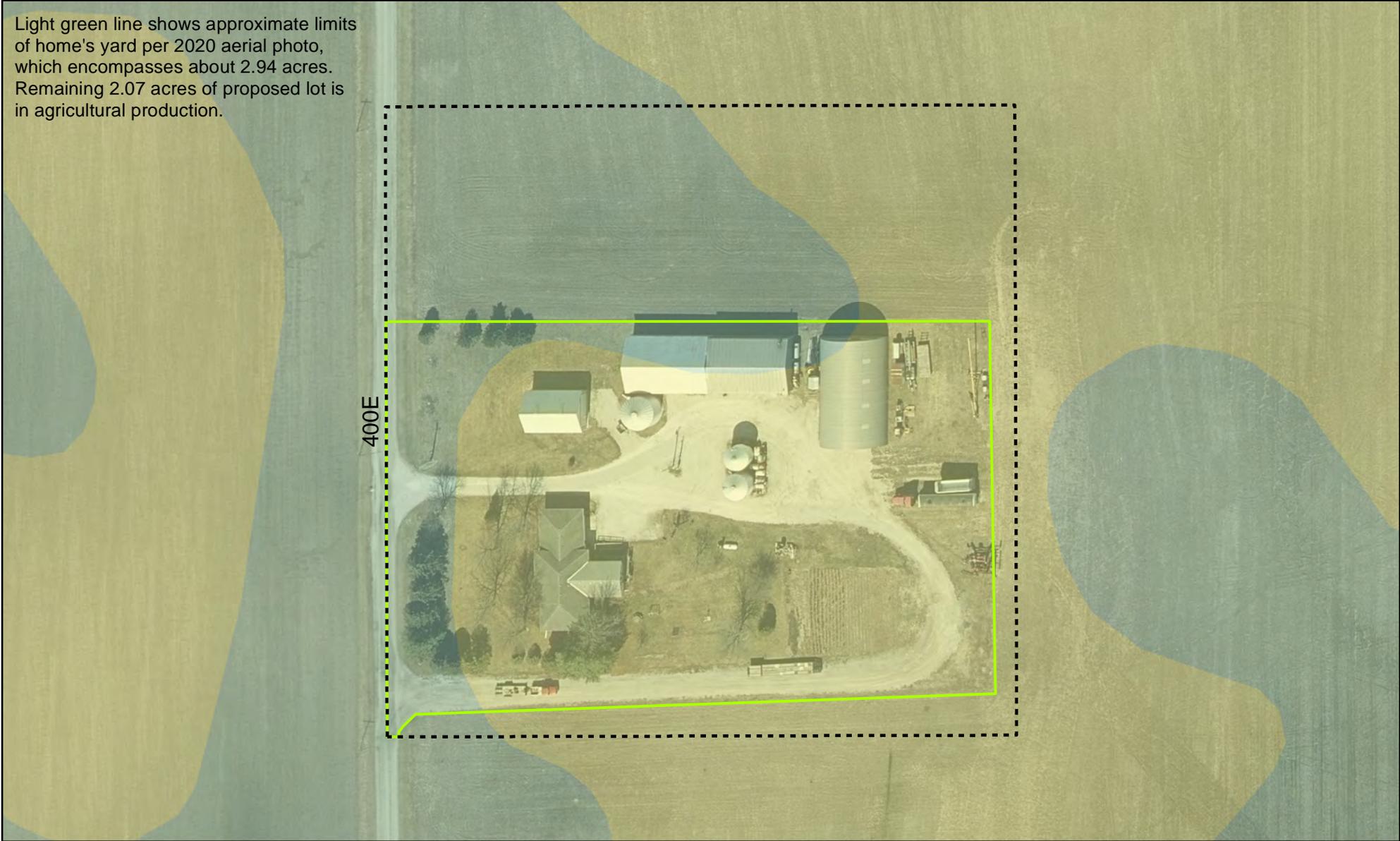
June 22, 2021

Robert L. Cox  
 IL. Professional Land Surveyor No. 2442  
 (License Expires November 30, 2022)

# Annotated 2020 Aerial Photo

Case 021-V-21  
October 28, 2021

Light green line shows approximate limits of home's yard per 2020 aerial photo, which encompasses about 2.94 acres. Remaining 2.07 acres of proposed lot is in agricultural production.



- Proposed Lot
- 2020 residence yard area
- Drummer silty clay loam
- Flanagan silt loam



# 1988 aerial photo with proposed lot split

Case 021-V-21  
October 28, 2021

Note: the 1973 aerial was illegible, so the next oldest aerial was used here

Light green line shows approximate limits of home's yard per 1988 aerial photo, which encompasses about 2.07 acres.



0 25 50 100 Feet



Champaign County  
Department of  
PLANNING &  
ZONING

**021-V-21 Site Images**



**From CR 400E facing south**



**From CR 400E at north driveway facing east**

### 021-V-21 Site Images



**From CR 400E at south driveway facing east**



**From south driveway toward east end of proposed lot, facing north**

**021-V-21 Site Images**



**From east end of proposed lot, facing west (house is behind trees)**



**From CR 400E facing southeast**

**021-V-21 Site Images**



**From south driveway at CR 400E facing south**



**From CR 400E at south driveway facing north**

**PRELIMINARY DRAFT**

**021-V-21**

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

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

Date: ***{October 28, 2021}***

Petitioners: **Rita Musson, via agent Darren Taylor, Attorney**

Request: **Authorize a variance for a 5.015-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance**

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***PRELIMINARY DRAFT***

**SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Rita Musson, 570 CR 400 E, Sadorus, owns the subject property.
2. The subject property is a 139.8-acre tract in the Northwest Quarter of Section 2, Township 17 North, Range 7 East of the Third Principal Meridian in Sadorus Township, with an address of 570 CR 400E, Sadorus.
3. 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 Sadorus Township, which does not have a Planning Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

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

4. Land use and zoning on the subject property and in the vicinity are as follows:
  - A. The 139.8-acre subject property is zoned AG-1 Agriculture and is a farmstead.
  - B. Land surrounding the subject property is also zoned AG-1 Agriculture and is a mix of agricultural land in production and residential.

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

5. Regarding the site plan for the subject property:
  - A. The site plan is a Plat of Survey prepared by Robert L. Cox dated June 22, 2021 and received September 3, 2021. The Plat of Survey shows the proposed 5.015-acre lot at the site of the existing farmstead. No buildings are demarcated on the Plat.
    - (1) P&Z Staff prepared an annotated 2020 aerial photo to illustrate existing features on the property, which include:
      - a. One 3,028 square feet residence located between the two access driveways, constructed in 1976 to replace an older home. A 528 square feet addition was constructed in 2007, but no permit was required due to the agricultural exemption.
      - b. One 28 feet by 42 feet (1,176 square feet) crib located north of the house, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
      - c. One 40 feet by 60 feet (2,400 square feet) shed northeast of the garage, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973. A 2,400 square feet addition was constructed in 1982, but no permit was required due to the agricultural exemption.

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- d. One 50 feet by 80 feet (4,000 square feet) Quonset building located east of the two sheds, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
  - e. Three grain bins located toward the center of the proposed lot, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
- (2) There is no known construction proposed.
- B. There are no prior Zoning Use Permits for the subject property.
  - C. There are no prior Zoning Cases on or in the vicinity of the subject property.
  - D. The requested variance is for a lot size of 5.015 acres in lieu of the maximum area of 3 acres for lots on soils that are best prime farmland, per Section 5.3 of the Zoning Ordinance.

**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 from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
    - (2) “AREA, LOT” is the total area within the LOT LINES.
    - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
      - (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;

**PRELIMINARY DRAFT**

- (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) “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.
- 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*.

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- 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: **“The New Parcel shall remain similar to all surrounding areas. There are no exceptional features upon the New Parcel. Rita desires to obtain this variance for estate planning purposes. The New Parcel conforms to all legally permitted uses and there shall no changes proposed to said use. The configuration of the New Parcel's boundaries is symmetric and thus presents no uncommon layout characteristics. Providing the variance shall allow the fee simple owner (Rita) to convey her property to descendants as she desires at the time of her death.”**
  - B. Regarding the soils that make up the subject property:
    - (1) The soil on the proposed 5.015-acre lot is BEST PRIME FARMLAND and consists of 152A Drummer silty clay loam and 154A Flanagan silt loam, and has an average LE of 100.
  - C. The subject property is a large tract of land with a homestead, which is very common in Champaign County.
  - D. The petitioner’s desire to have a 5-acre lot is not based on any peculiarities with the land or structures on the subject property.

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

- 8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
  - A. The Petitioners testified the following on the application: **“The strict application of the Zoning Ordinance would prevent Rita's full enjoyment of the Property as it would restrict her ability to convey it in the manner in which she desires. There is no current request for a "use variance" so the Property's use shall not change after a dimensional variance is provided.”**
  - B. The petitioner could create the 2.9 acre lot and another 2.1 acre lot via a Plat of Subdivision that would not require a variance .

**PRELIMINARY DRAFT**

- C. The variance is not necessary to continue use of the homestead and farm production, which is the petitioner's intent.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioners testified the following on the application: **"No."**
- B. The petitioner desires a 5-acre lot for estate planning purposes, which does not create special conditions, circumstances, hardships, or practical difficulties.

**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 variance will have little to no impact on the intent of the Zoning Ordinance. The Zoning Ordinance is meant to protect the most productive agricultural land from "haphazard and unplanned intrusions or urban uses" and to encourage "preservation of Agricultural belts surrounding urban areas, to retain the Agricultural nature of the County." Rita is not proposing a change in use, but only to partition a 5.015-acre parcel that exceeds the 3-acre limitation. The intent for this variance is only to create equal dispositions within the applicant's estate planning efforts and shall have no effect on current usage."**
- B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.
- C. Ordinance No. 914 (Case 711-AT-12) approved on November 27, 2012, revised the best prime farmland definition to have a Land Evaluation (LE) rating of 91 or higher rather than the previous rating of 85 or higher.
- D. The 5.015-acre lot area is 167% of the required three acre maximum, for a variance of 67%.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioners testified the following on the application: **"Rita, herself or as beneficiary of a trust, owns all or substantially all of the surrounding and adjoining property, so**

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**the impact upon third-party neighbors will be non-existent. Further, this is all rural property. There will be no detriment to safety or welfare of anyone as the "use" of the property shall not be changed. There will be no impact to flow of traffic or visibility. There is no proposed construction."**

- B. The Sadorus Township Highway Commissioner has been notified of this variance, and no comments have been received.
- C. The Sadorus 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: **"Without the variance, Rita cannot convey and enjoy her property the way she desires. The applicant will suffer hardship for this as it will prevent her final wishes from being recognized. The "use" of the relevant land shall not change. Substantial justice shall be achieved by allowing Rita the ability to partition the New Parcel from the Original Parcel in a way that treats her descendants and heirs equally without creating any impact to the County or the public."**

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

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

***PRELIMINARY DRAFT***

**DOCUMENTS OF RECORD**

1. Application for Variance received September 3, 2021
2. Site Plan: Plat of Survey created by Robert L. Cox dated June 22, 2021 and received September 3, 2021
3. Preliminary Memorandum dated October 19, 2021, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan: Plat of Survey created by Robert L. Cox dated June 22, 2021 and received September 3, 2021
  - C Annotated 2020 aerial photo created by P&Z Staff on September 22, 2021
  - D 1988 aerial photo showing the proposed lot split created by P&Z Staff on September 22, 2021
  - E Site Images taken September 27, 2021
  - F Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 021-V-21 dated October 28, 2021

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**SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **021-V-21** held on **October 28, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
  - a. ***The subject property is a large tract of land with a homestead, which is very common in Champaign County.***
  - b. ***The petitioner's desire to have a 5-acre lot is not based on any peculiarities with the land or structures on the subject property.***
  
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
  - a. ***The petitioner could create the 2.9 acre lot and another 2.1 acre lot via a Plat of Subdivision that would not require a variance.***
  - b. ***The variance is not necessary to continue use of the homestead and farm production, which is the petitioner's intent.***
  
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
  - a. ***The petitioner desires a 5-acre lot for estate planning purposes, which does not create special conditions, circumstances, hardships, or practical difficulties.***
  
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 on the ground changes are proposed.***
  
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:
  - a. ***A lot that encompasses the current yard area could be split off that is less than 3 acres, which would not require a variance.***
  
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

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**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 **021-V-21** is hereby **{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}** to the petitioner, **Rita Musson**, to authorize the following:

**Authorize a variance for a 5.015-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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

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