

## **CASE NO. 090-V-23**

*PRELIMINARY MEMORANDUM  
MARCH 22, 2023*

**Petitioner: Catherine Capel**

**Request: Authorize a variance for an existing 5.69-acre tract plus a proposed 3.03-acre tract totaling 8.72 acres in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

**Subject Property: An existing 5.69-acre tract plus a proposed 3.03-acre tract totaling 8.72 acres in the Southeast Quarter of the Southeast Quarter of Section 2, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, with an address of 1123 CR 2300E, Sidney.**

**Site Area: 8.72 acres**

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

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

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### **BACKGROUND**

The petitioner is selling the property and requests adding 3.03 acres to an existing 5.69-acre lot for a total of 8.72 acres on Best Prime Farmland. There are two prospective buyers, but the existing 5.69-acre lot and 14 acre lots do not align with how they want to divide the land based on the existing uses found on the subject property. The southern 11 acres is in agricultural production and the current tenant farmer wants to buy only those 11 acres. The northern 5.69 acres includes a residence, agricultural shed, garage, and a shed for personal storage. The middle 3.03 acres have paddocks that another prospective buyer wants to purchase with the house. Attachment C is an annotated aerial that describes the different uses and proposed lot changes.

The petitioner submitted letters from both prospective buyers describing the reasons why they want to buy the respective parts of the property.

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 a municipality with zoning.

The subject property is located within Sidney 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.

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## 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	Residential, agriculture	CR Conservation Recreation
North	Residential	CR Conservation Recreation
East	Agriculture	AG-1 Agriculture
West	Agriculture	CR Conservation Recreation
South	Residential	CR Conservation Recreation

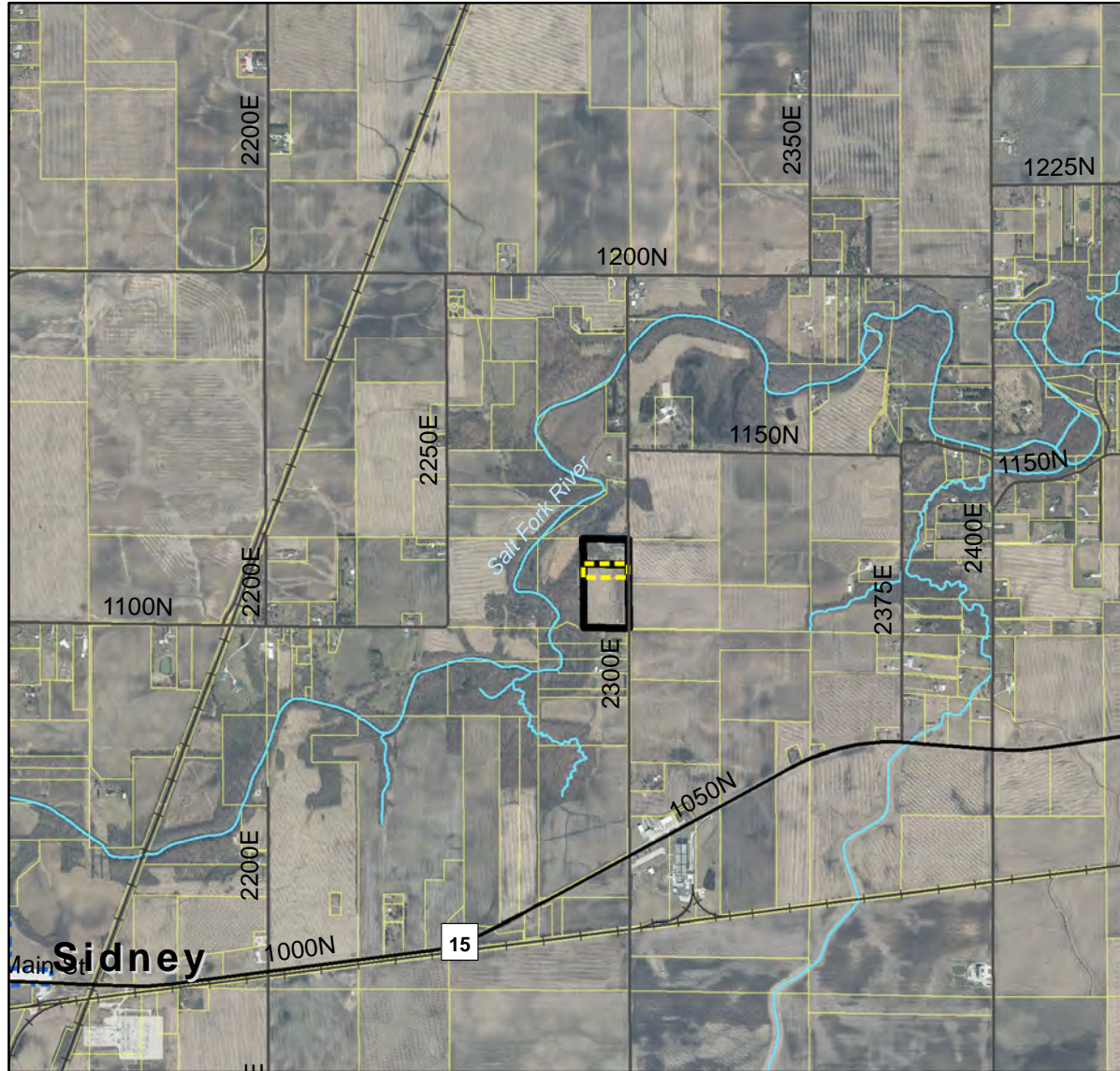
## ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received March 2, 2023
- C Annotated aerial photo created by P&Z Staff on March 8, 2023
- D Soils Map
- E Letter from Kevin Wolz received March 3, 2023
- F Letter from Karen & Dustin Mayfield-Jones received March 6, 2023
- G Site Images taken March 8, 2023
- H Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 090-V-23 dated March 30, 2023

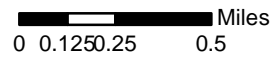
# Location Map

Case 090-V-23  
March 30, 2023

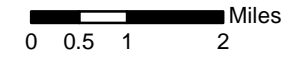
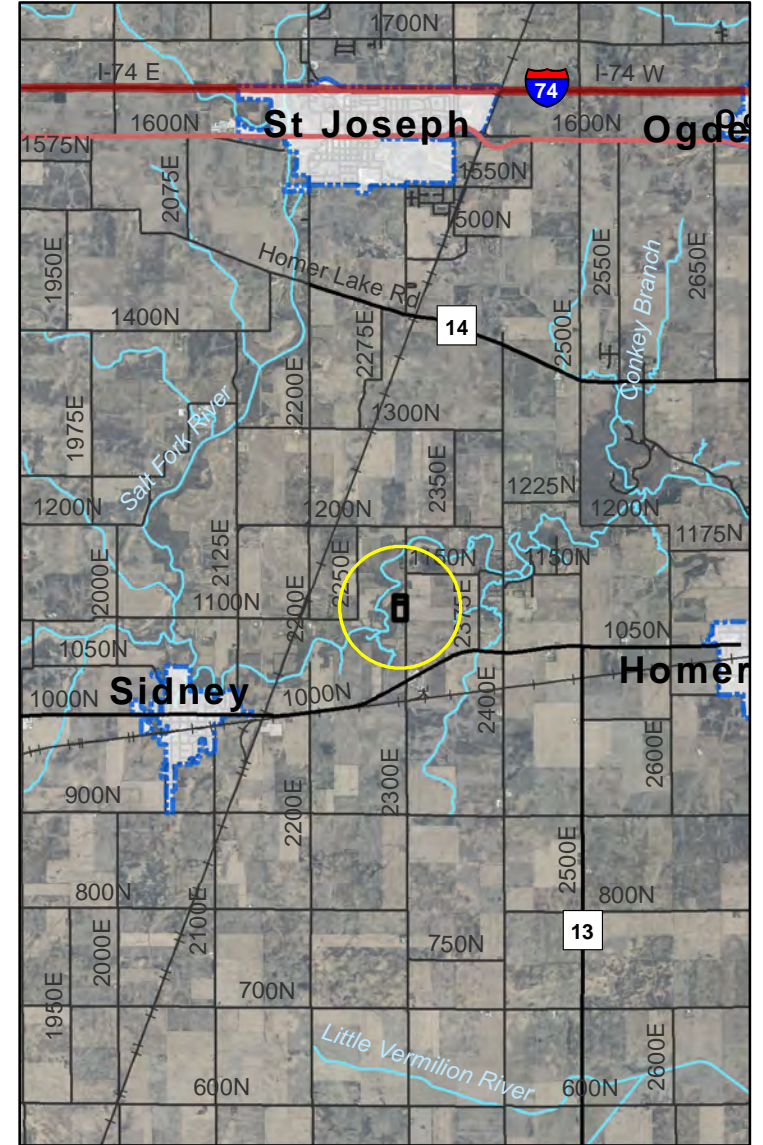
### Subject Property



-  Subject Properties
-  3 acre addition
-  Municipal Boundary
-  Parcels



### Property location in Champaign County

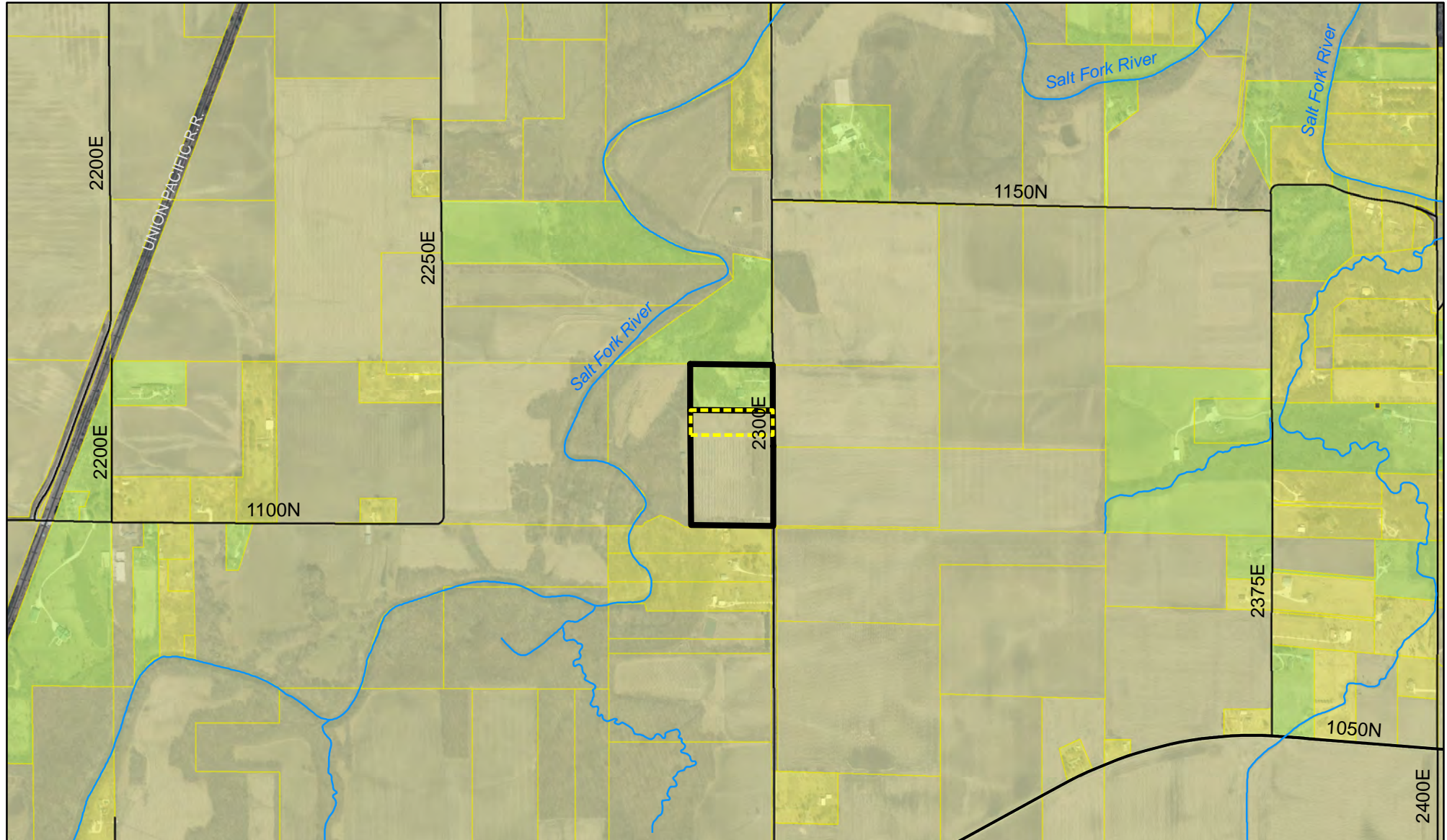


Champaign County  
Department of  
**PLANNING &  
ZONING**



# Land Use Map

Case 090-V-23  
March 30, 2023



- Parcels
- 3 acre addition
- Subject Properties
- Agriculture
- Ag/Residential
- Residential

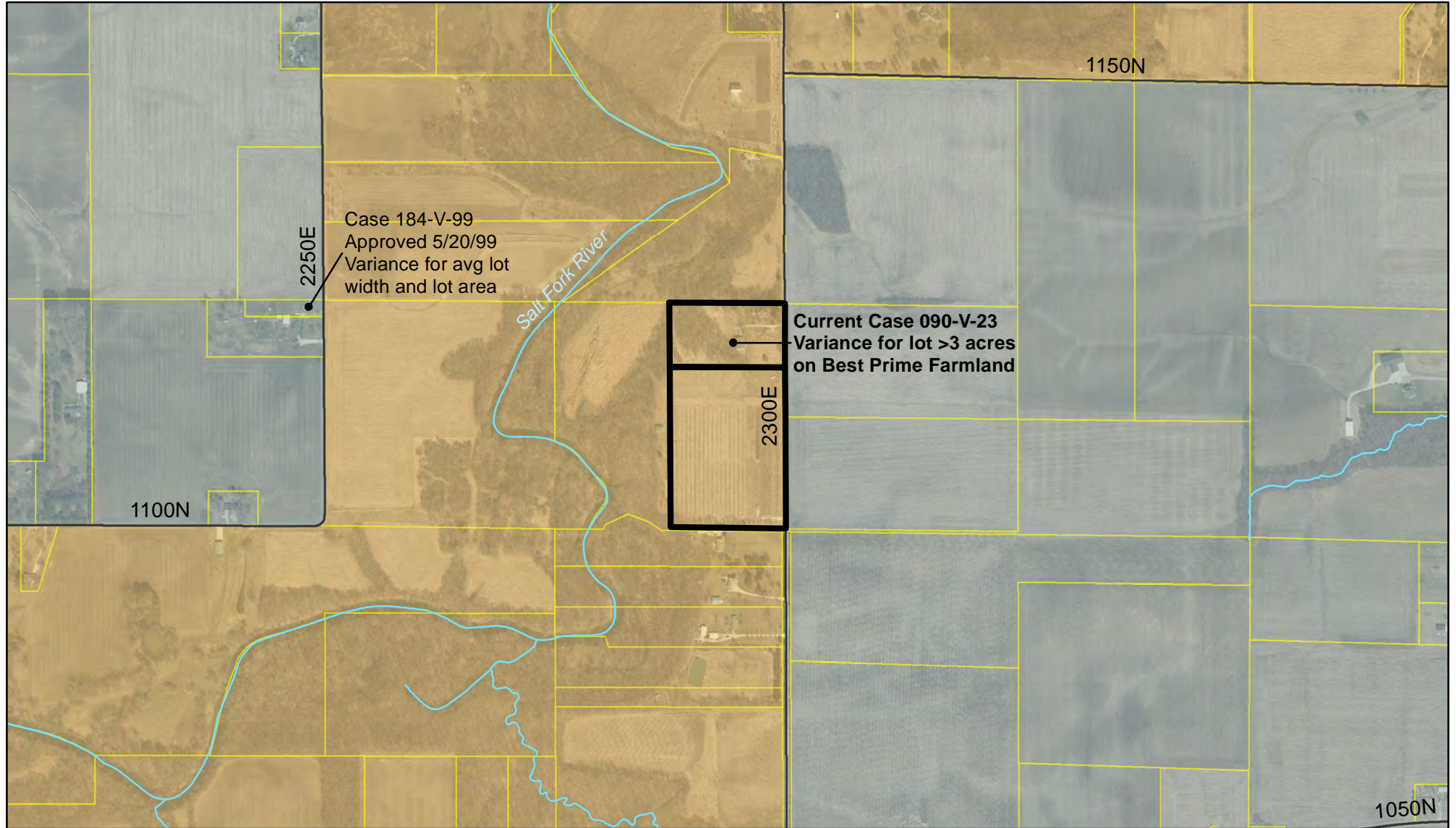
0 280 560 1,120 Feet

Champaign County  
Department of  
PLANNING &  
ZONING



# Zoning Map

Case 090-V-23  
March 30, 2023



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

0 200 400 800 Feet

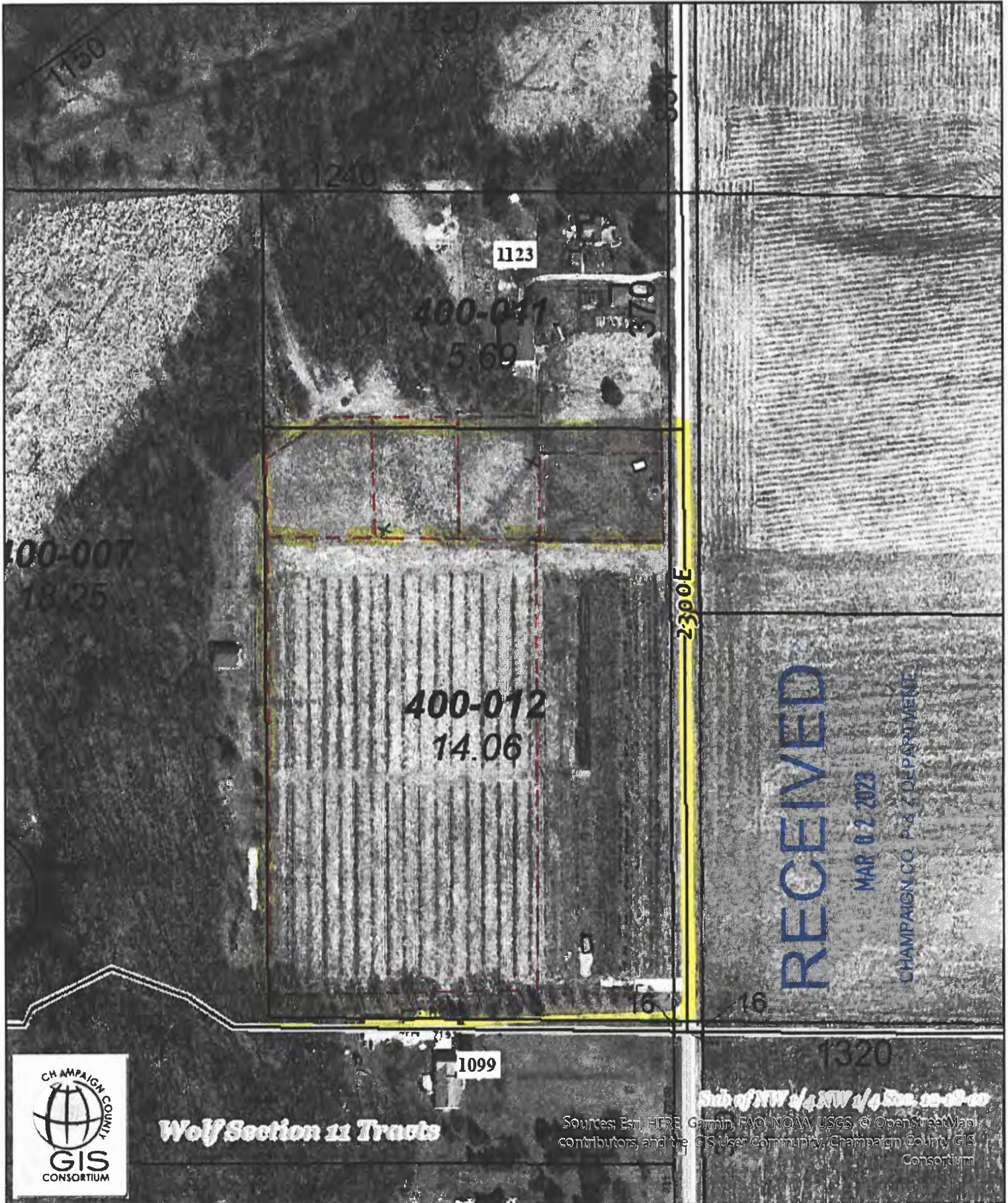




24-28-02-400-011/012

2020 aerial

1:200



This map application was prepared with geographic information system (GIS) data created by the Champaign County GIS Consortium (CCGIS), or other CCGIS member agency. These entities do not warrant or guarantee the accuracy or suitability of GIS data for any purpose. The GIS data within this application is intended to be used as a general index to spatial information and not intended for detailed, site-specific analysis or resolution of legal matters. Users assume all risk arising from the use or misuse of this application and information contained herein. The use of this application constitutes acknowledgement of this disclaimer.

0.03  
mi





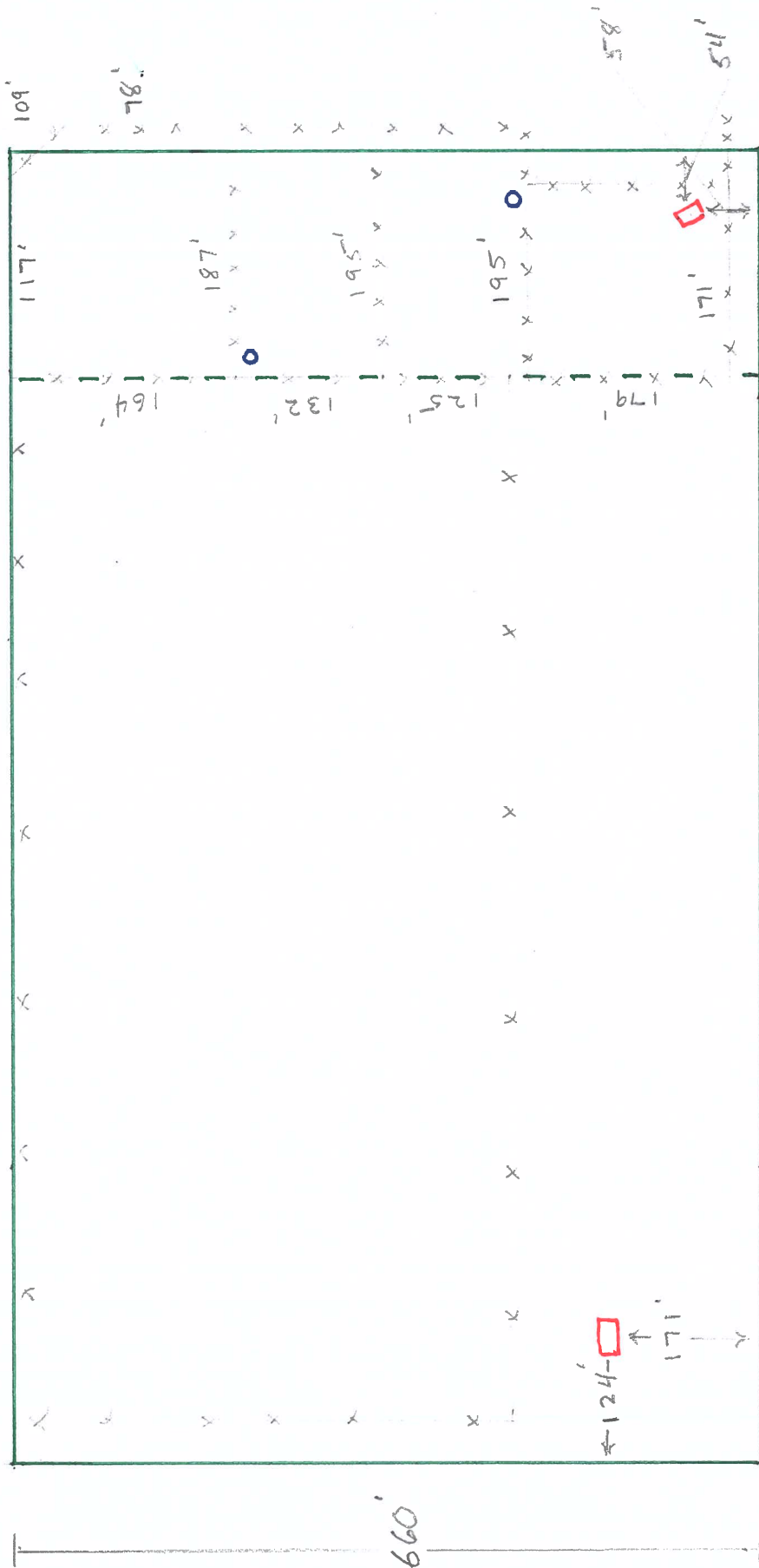
RECEIVED

MAR 02 2023

CHAMPAIGN CO. P & Z DEPARTMENT

(14 acres) not to scale

924'



724' ( 3 acres )

0 = water hydrant ( 11 acres )

□ = 8x20 shed movable

--- = fencing

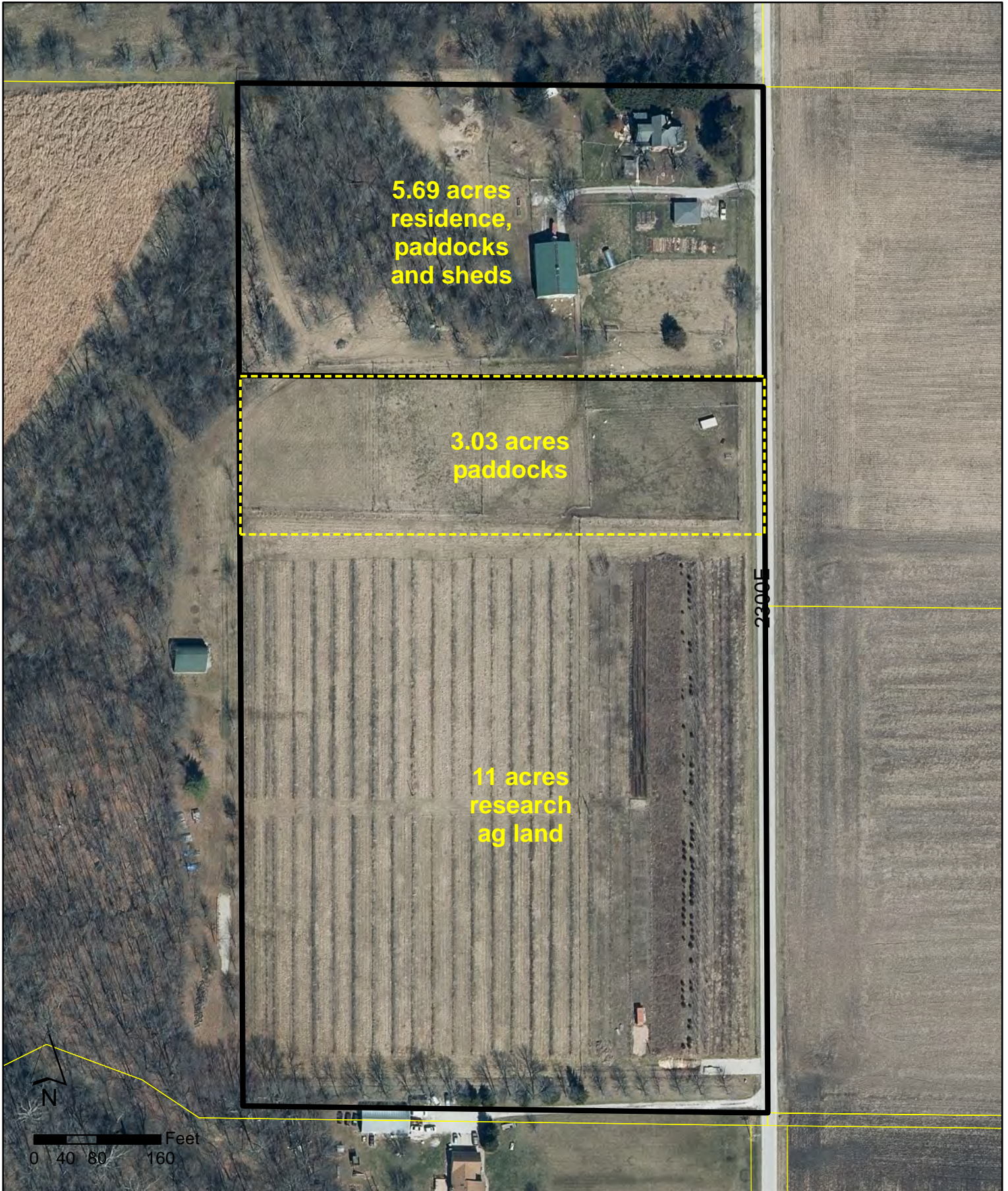
— = property line

- - - = proposed property line



# Annotated Aerial

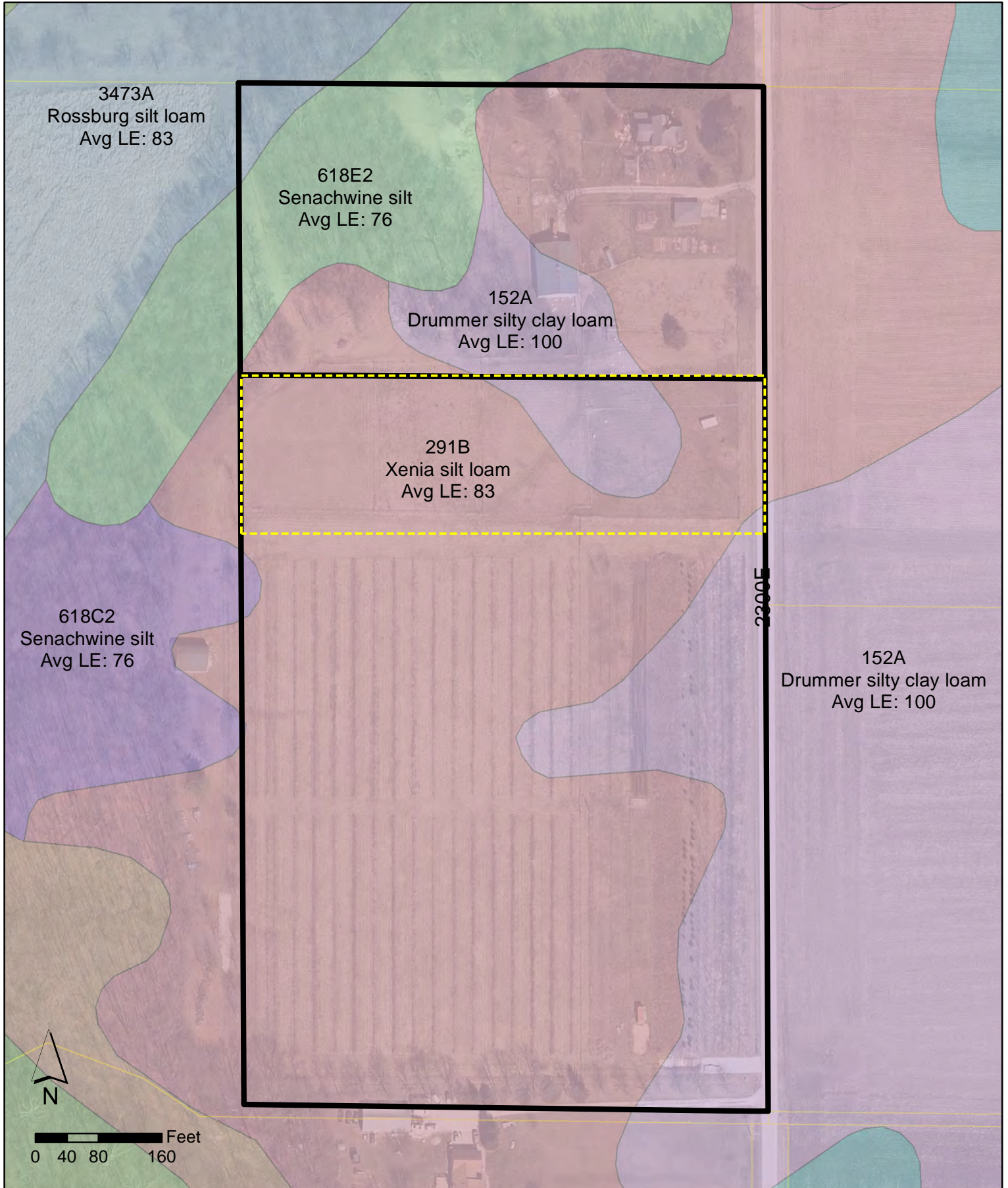
Case 090-V-23  
March 30, 2023





# Soils Map

Case 090-V-23  
March 30, 2023





March 3, 2023

Mrs. Susan Burgstrom  
Department of Planning and Zoning  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

Dear Mrs. Burgstrom,

My name is Kevin Wolz, and I own Midwest Agroforestry Solutions, a company focused on agroforestry and regenerative agriculture. I currently lease ~11 acres from Catherine Capel for research and development of best practices in regenerative farming. There is a mix of trees, shrubs, grasses, legumes, and forbs planted on the property. Plantings include a USDA pollinator strip and windbreak, as well as chestnut trees, hazelnuts, and asparagus. I am interested in purchasing the area included in the lease so our work is not lost when the parcel is sold. Granting the requested variance would reduce the parcel that I lease down to just the portion that I lease, which would make that purchase more aligned with the land use. Furthermore, the requested variance better aligns the existing fencing to new property lines, which will help all parties involved.

Sincerely,



Kevin Wolz  
Owner, Midwest Agroforestry Solutions

**RECEIVED**

**MAR 03 2023**

**CHAMPAIGN CO. P & Z DEPARTMENT**



Susan Burgstrom, County Planner  
Champaign County Department of Planning & Zoning  
Brookens Administrative Center  
1776 E. Washington Street  
Urbana, IL 61802

Dear Ms. Burgstrom,

We are currently residents of Urbana and are under contract to purchase and move to the property at 1123 County Road 2300 E, Sidney, IL 61877 (Property Identification Number 24-28-02-400-12). We also want to purchase part of the adjoining property.

There is fencing on the property at 1123 County Road 2300 E that extends to the adjoining property. Some of the paddocks are split between the properties and a barn providing shelter for the animals is only located on the 1123 County Road 2300 E property, while water spigots are only on the adjoining property. The current split of the land does not make sense for livestock.

We will keep the land as pasture and plan to use the paddocks for livestock and for our dogs. This is consistent with how other land is being used in the area and will be in harmony with the purpose of the zoning ordinance.

Please send us any materials regarding this case. Feel free to contact us with any questions.

Thank you,

*Karen & Dustin Mayfield-Jones*

Karen and Dustin Mayfield-Jones  
2505 Combes Street, Urbana, IL 61801  
314-605-5268  
thedefensesrests@yahoo.com

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CHAMPAIGN COUNTY PLANNING & ZONING DEPARTMENT



### 090-V-23 Site Images



**From CR 2300E facing NW to paddocks and residence**



**From CR 2300E facing NW to paddocks**



### 090-V-23 Site Images



**Facing east to residence and detached garage**



**From CR 2300E facing SW to paddocks and research ag area beyond**



**PRELIMINARY DRAFT**

**090-V-23**

**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: *{March 30, 2023}*

Petitioners: **Catherine Capel**

Request: **Authorize a variance for an existing 5.69-acre tract plus a proposed 3.03-acre tract totaling 8.72 acres in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the CR Conservation Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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**Table of Contents**

**General Application Information..... 2**  
**Requested Variance .....3**  
**Specific Ordinance Requirements.....3 - 5**  
**Variance Evidence .....5 - 8**  
**Documents of Record.....9**  
**Case 090-V-23 Findings of Fact..... 10**  
**Case 090-V-23 Final Determination..... 11**

## **SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 30, 2023**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Catherine Capel, 2022 Cureton, Urbana, owns the subject property.
2. The subject property is an existing 5.69-acre tract plus a proposed 3.03-acre tract totaling 8.72 acres in the Southeast Quarter of the Southeast Quarter of Section 2, Township 18 North, Range 10 East of the Third Principal Meridian in Sidney Township, with an address of 1123 CR 2300E, Sidney.
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 Sidney 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.

### ***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 8.72-acre subject property is zoned CR Conservation Recreation and is residential in use.
  - B. Land to the south and west of the subject property is zoned CR Conservation Recreation and is in agricultural production.
  - C. Land to the east is zoned AG-1 Agriculture and is in agricultural production.
  - D. Land to the north is zoned CR Conservation Recreation and is residential in use.

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

5. Regarding the site plan for the subject property:
  - A. The Site Plan received on March 2, 2023, indicates the following:
    - (1) Existing structures on the property include:
      - a. One 48 feet by 64 feet (3,072 square feet) barn for livestock; and
      - b. One residence located north of the driveway constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
      - c. One 30 feet by 24 feet (720 square feet) detached garage located south of the residence.
      - d. One 30 feet by 24 feet (720 square feet) detached shed for personal use located south of the detached garage.
    - (2) There is no known construction proposed.



- B. The following are Zoning Use Permits for the subject property.
- (1) ZUPA #214-07-01 was approved on August 14, 2007 to construct a livestock barn.
  - (2) ZUPA #223-11-01 was approved on August 25, 2011 to construct a detached garage.
  - (3) ZUPA #2017-17-01 was approved on July 26, 2017 to construct a porch addition to the existing residence.
  - (4) ZUPA #224-19-02 was approved on August 21, 2019 to construct an addition to the existing residence.
  - (5) ZUPA #293-20-02 was approved on October 29, 2020 to construct two detached sheds, one for agricultural use and one for personal use. Only the shed for personal use was constructed.
- C. There are no previous zoning cases for the subject property.
- D. The requested variance is for adding 3.03 acres to the existing 5.69 acres for a total of 8.72 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;
  - (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*.
  - 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 tract was split prior to my purchasing it in preparation for selling it for development. Given the lay of the land, the split is not logical for raising livestock which is how I used it until I got Parkinson’s Disease and how the buyer intends to use it. Plus, the area in question is currently fenced into paddocks for livestock, with water and shelter. It slopes toward the Salt Fork, is subject to intermittent heavy runoff, and crop yields were quite low when it was in corn and beans.”**
  - B. Regarding the soils that make up the subject property:
    - (1) The soil on the proposed 8.72-acre lot is BEST PRIME FARMLAND and consists of 152A Drummer silty clay loam, 618E2 Senachwine silt loam, 3473A Rossburg silt loam, and 291B Xenia silt loam, and has an average LE of 85.
      - a. The proposed 8.72-acre lot is considered BEST PRIME FARMLAND because at least 10% of the lot is comprised of soils in agricultural value groups 1, 2, 3 or 4 as determined by the Champaign County LESA System.
  - C. There are two prospective buyers for these two lots, but the lots do not align with how they want to divide the land based on the existing uses found on the subject property.
    - (1) The southern 11 acres is in agricultural production and the current tenant farmer wants to buy only those 11 acres.
    - (2) The northern 5.69 acres includes a residence, agricultural shed, garage, and a shed for personal storage.
    - (3) The middle 3.03 acres have paddocks that another prospective buyer wants to purchase with the house.

***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: **“It is not predictable whether the buyer will be able to use the paddocks for his livestock beyond my ownership of the 14-acre tract. I’m willing to lease to them now, but there’s no telling what the future will bring when the property is sold. That could result in significant loss of income.”**
  - B. Without the proposed variance, the land could not be divided as desired and sold to the intended buyers.

***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: **“Partly me: it results from the fact that I chose to use it for livestock, rather than developing it into residential lots. I did not, however, split up the original tract. In addition, the land is sloped toward the Salt Fork, subject to intermittent heavy runoff, and corn and bean yields were quite low.”**
  - B. The petitioner did not anticipate selling the land to two different owners when they created the paddocks and farmland south of the house.

***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: **“I believe it’s in harmony with the ordinance because the buyers intend to use it as part of the farmstead for a future livestock operation. Pasturing livestock helps to conserve the natural and scenic areas near the Salt Fork in ways residential development does not. It provides a grass cover to aid in the prevention of erosion as floodwater flows over the property to the Salt Fork, as well as preserving a natural and scenic view.”**
  - 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.
    - (1) In 2004, the subject property was one lot with an area of 19.75 acres.
    - (2) In 2005, the subject property was divided into its current configuration of one 5.69-acre lot and one 14.06-acre lot.



- (3) The 5.69-acre lot was not Best Prime Farmland when it was split in 2005 as it had an average LE of 84, so no variance was necessary at that time.
- 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 8.72-acre lot meets the current definition of Best Prime Farmland, and therefore a variance is necessary.
- D. The 8.72-acre lot area is 291% of the required three acre maximum, for a variance of 191%.
- E. No land is being taken out of agricultural 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 used for pasturing livestock, the way it has been for the past 14 years, which has posed no threat to the neighborhood, public safety, health, or welfare as no complaints have been received. In addition, the grassy, gently sloped pastures allow runoff to proceed over the ground to the Salt Fork with a minimum of erosion and ponding.”**
  - B. The Sidney Township Highway Commissioner has been notified of this variance, and no comments have been received.
  - C. The Sidney Township Supervisor has been notified of this variance, and no comments have been received.
  - D. 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 Petitioners testified the following on the application: **“The remaining 11 acres of the parcel is currently leased to Midwest Agroforestry Solutions, a company engaged in regenerative agriculture, which involves planting a mix of annual crops and commercially productive trees and shrubs, such as chestnuts, hazelnuts, and currants. The property also includes a USDA windbreak and pollinator habitat. It is quite scenic. The lessee has indicated an interest in purchasing the parcel, however he is not**

**interested in the portion of the property that is not part of his lease. Granting the variance would allow Midwest Agroforestry Solutions to purchase the property and continue to perform research and development on Vulcan farm beyond my ownership of the land.”**

- B. A letter from Kevin Wolz, owner of Midwest Agroforestry Solutions, was received on March 3, 2023. Mr. Wolz indicated that he leases the south 11 acres and he is interested in purchasing that area so the work is not lost when the parcel is sold. He said that granting the requested variance would reduce the parcel that he leases down to just the portion he leases, and the requested variance better aligns the existing fencing to new property lines, which will help all parties involved.
  
- C. A letter from Karen and Dustin Mayfield Jones was received on March 6, 2023. They are under contract to purchase the 5.72-acre lot with the residence and the proposed additional 3 acres. The letter states that there is fencing on the property that extends to the adjoining property. Some of the paddocks are split between the properties and a barn providing shelter for the animals is only located on the 1123 CR 2300E property, while water spigots are only on adjoining property. They plan to keep the land as pasture and use the paddocks for livestock and their dogs.

***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 March 2, 2023
2. Site Plan received March 2, 2023
3. Annotated aerial photo created by P&Z Staff on March 8, 2023
4. Preliminary Memorandum dated February 22, 2023, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received March 2, 2023
  - C Annotated aerial photo created by P&Z Staff on March 8, 2023
  - D Soils Map
  - E Letter from Kevin Wolz received March 3, 2023
  - F Letter from Karen & Dustin Mayfield-Jones received March 6, 2023
  - G Site Images taken March 8, 2023
  - H Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 090-V-23 dated March 30, 2023

## SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **090-V-23** held on **March 30, 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 are two prospective buyers for these two lots, but the lots do not align with how they want to divide the land based on the existing uses found 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. ***Without the proposed variance, the land could not be divided as desired and sold to the intended buyers.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
  - a. ***The petitioner did not anticipate selling the land to two different owners when they created the paddocks and farmland south of the house.***
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 being taken out of agricultural 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:
  - a. ***The 8.72-acre lot is the minimum amount of land area that includes the residence and paddocks.***
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 **090-V-23** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioner, **Catherine Capel**, to authorize the following:

**Authorize a variance for an existing 5.69-acre tract plus a proposed 3.03-acre tract totaling 8.72 acres in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the CR Conservation Recreation 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:

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Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

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Secretary to the Zoning Board of Appeals  
Date