

CASE 176-V-25

PRELIMINARY MEMORANDUM

September 18, 2025

Petitioner: Cody & Jaclyn Bohlen, Billie Busboom

Request: Authorize a variance for a proposed 5-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.

Location: A proposed 5-acre tract in the West half of the Southwest Quarter of the Southeast Quarter of Section 9, Township 20 North, Range 14 West of the Second Principal Meridian in Ogden Township, with an address of 2756 CR 2200 N, Ogden.

Site Area: 5 acres

Time Schedule for Development: Currently in use

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

BACKGROUND

The petitioner Cody and Jaclyn Bohlen seek to purchase the proposed 5-acre lot that contains the existing farmstead from the current owner of the 40-acre lot. The grassed area of the existing farmstead is approximately 1.9 acres in area. Approximately 3.1 acres of tilled land would be added to create a 5-acre lot.

The Petitioner requests a variance for a 5-acre lot to create a parcel that is suitable for personal agricultural use.

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 Ogden Township, which does not have a Plan Commission.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning Summary

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

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

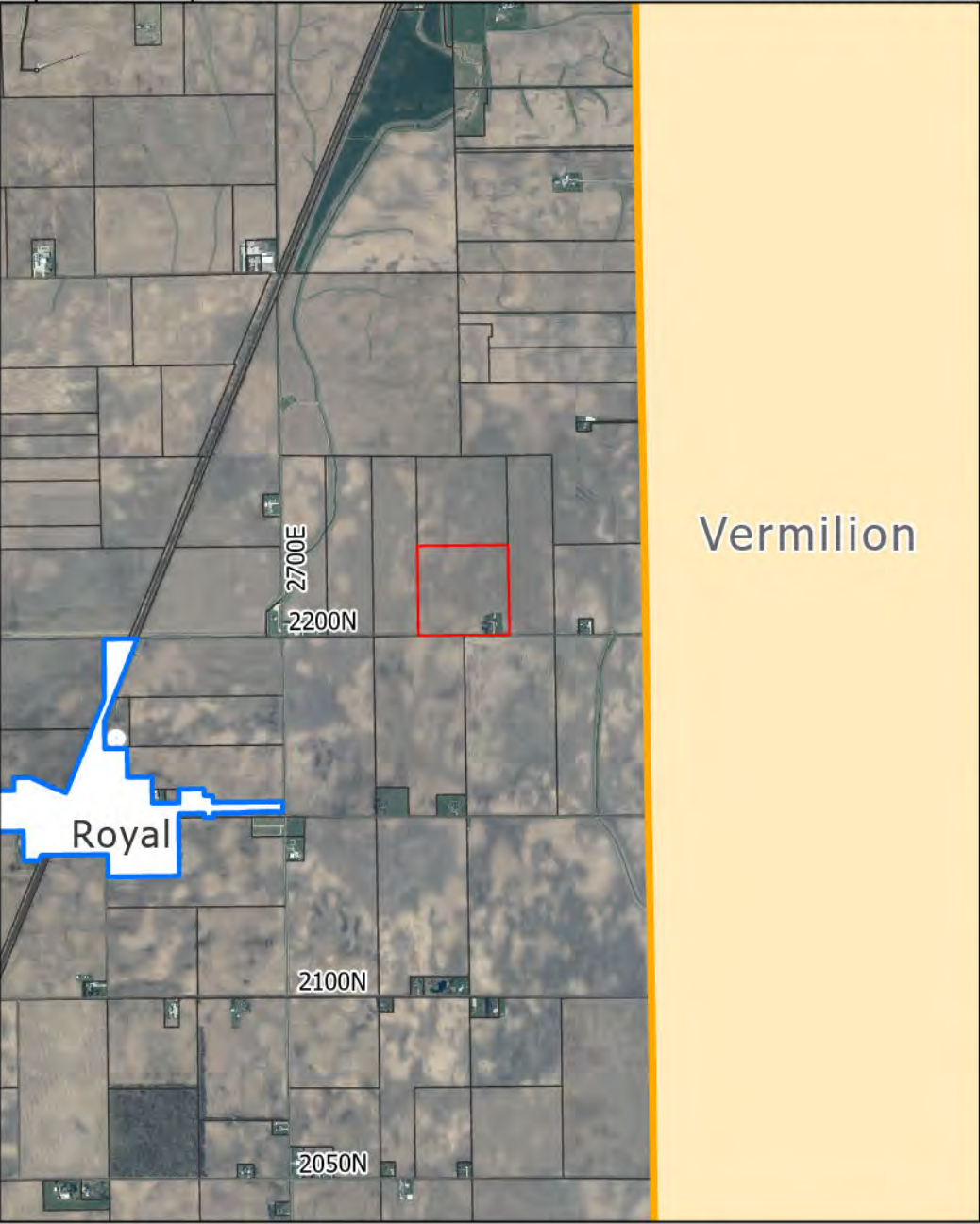
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received September 12, 2025
- C 2023 Annotated Aerial Photo
- D 1973 Aerial Photo
- E Soils Map
- F Site Images taken September 17, 2025
- G Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 176-V-25 dated September 25, 2025

Location Map

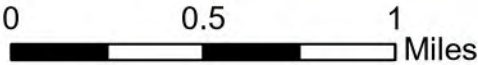
Case 176-V-25

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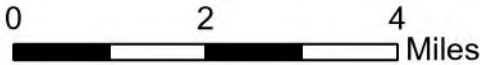
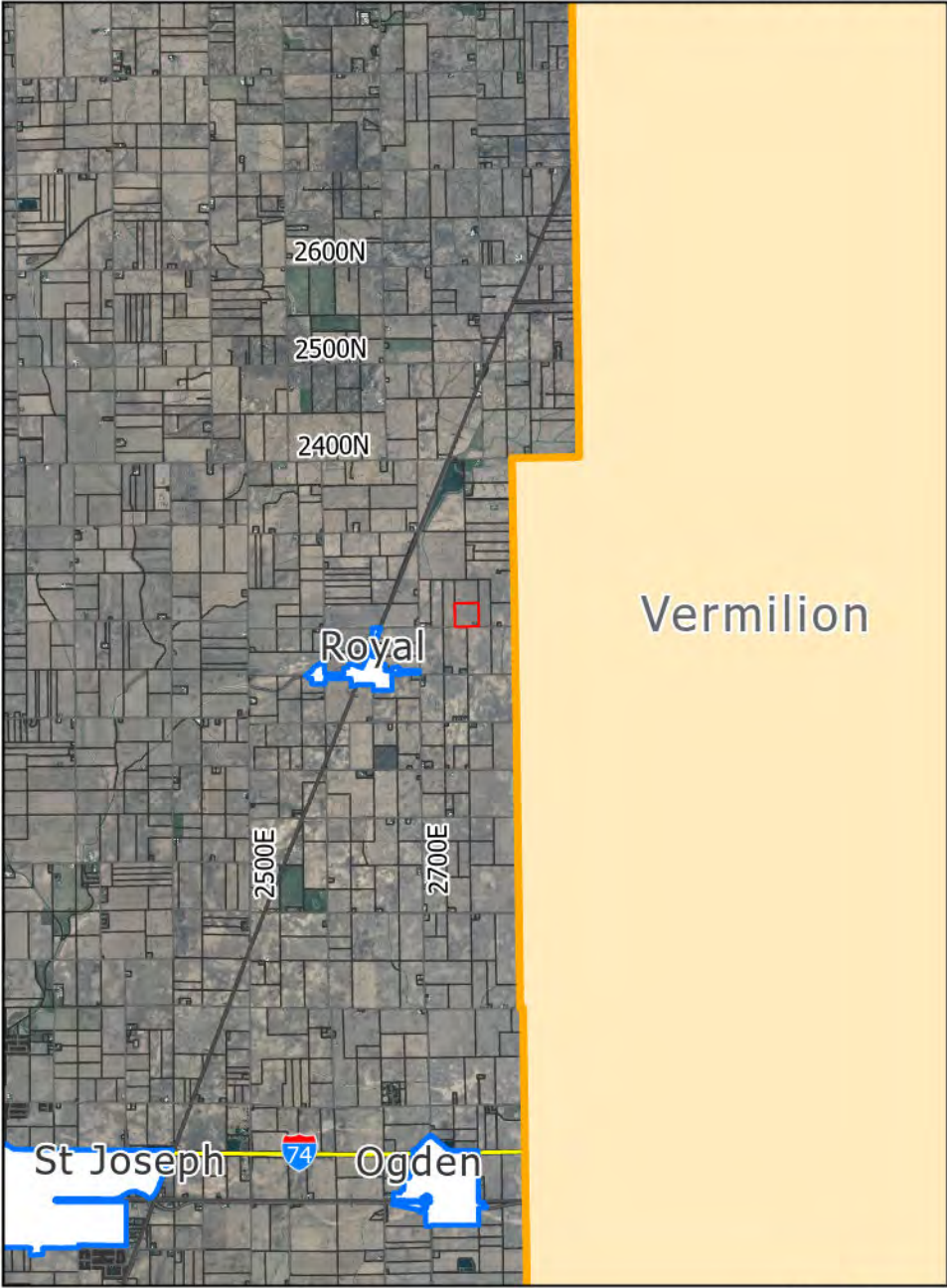
Subject Property



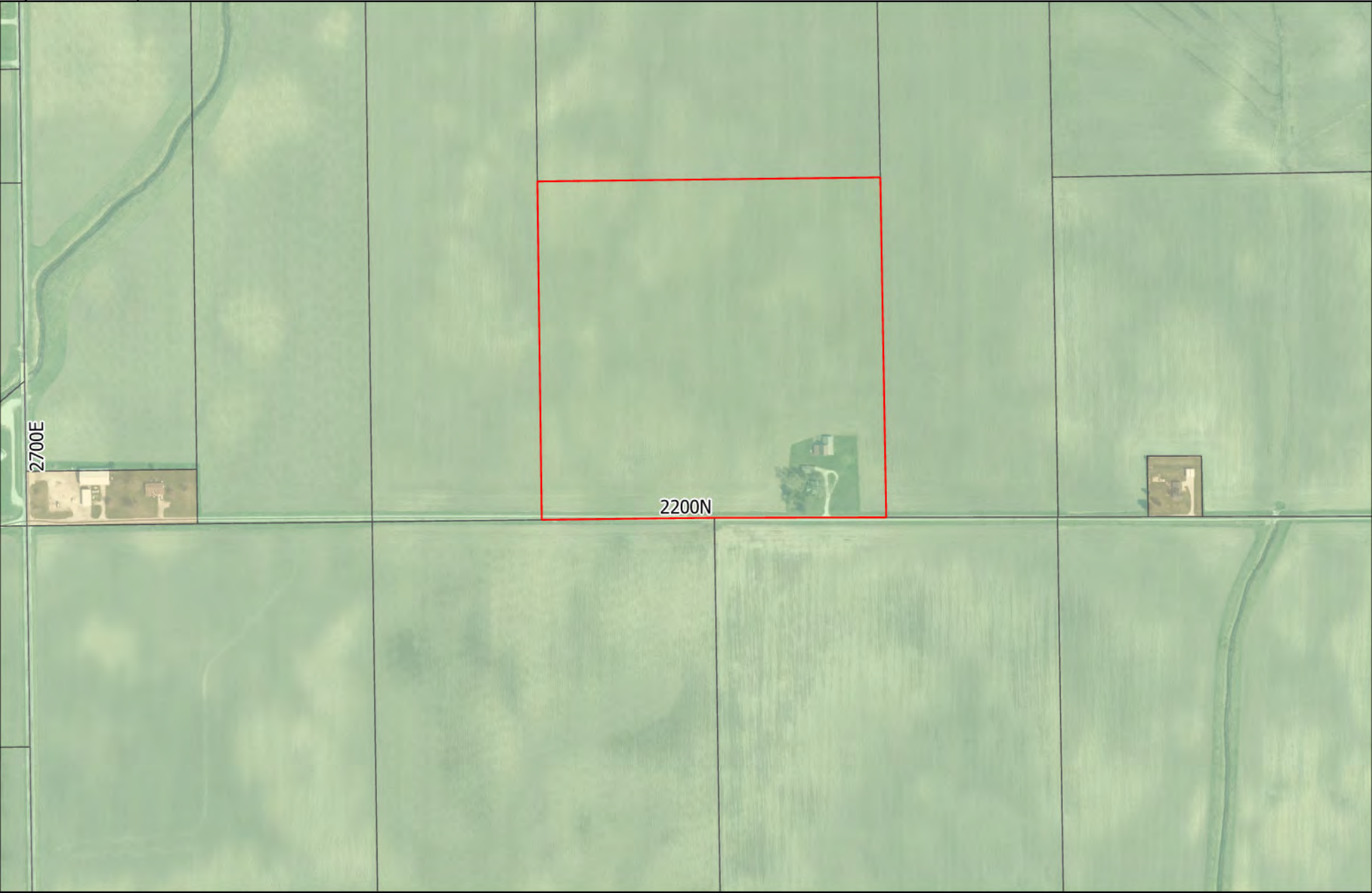
 Subject Parcel



Property location in Champaign County



Land Use Map
Case 176-V-25
September 25, 2025



Subject Property

Residential

Agricultural

0

500

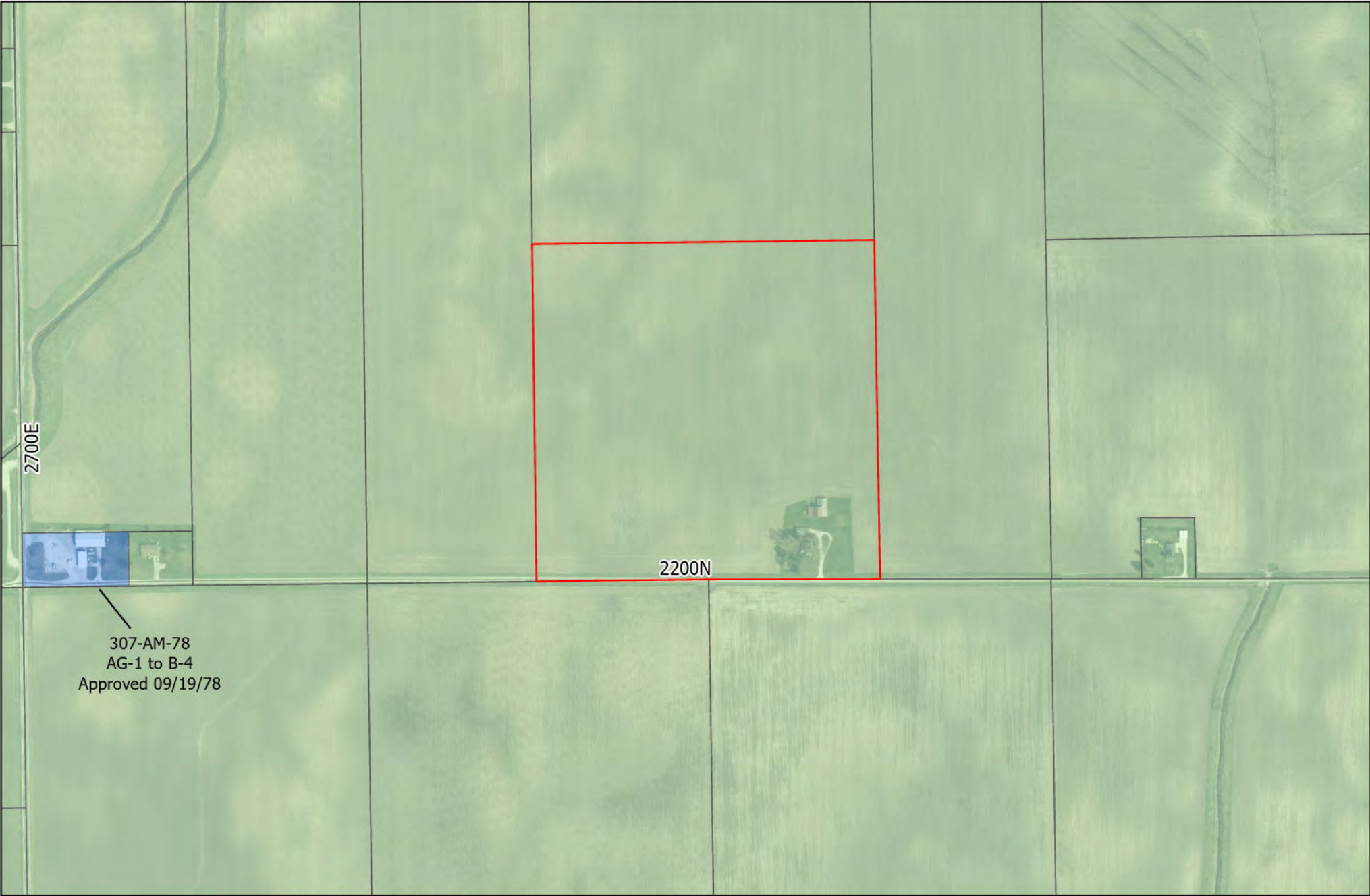
1,000

Feet

N

PLANNING & ZONING

Zoning Map
Case 176-V-25
September 25, 2025



Subject Parcel

B-4 General Business

AG-1 Agriculture

05001,000

 Feet

N

PLANNING & ZONING

Quick Measure

Click the map to set points.

ft ☒ m

Clear

Billie J
Busboom

Jared
Aden



559 feet

RECEIVED

SEP 12 2025


CHAMPAIGN CO. P & Z DEPARTMENT

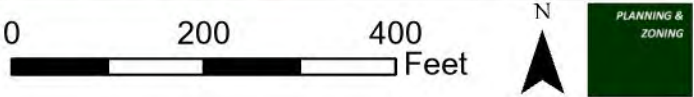


- Proposed 5-acre Parcel
- Existing Subject Parcel

Annotated 1973 Aerial
Case 176-V-25
September 25, 2025

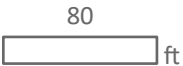


 Proposed 5-acre Parcel





SSURGO, Champaign County GIS Consortium



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176-V-25 Site Images



From CR 2200N looking north to subject property



From CR 2200N looking east

176-V-25 Site Images



From CR 2200N looking west



From CR 2200N looking southeast

176-V-25 Site Images



From CR 2200N looking west toward subject property

PRELIMINARY DRAFT

176-V-25

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

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

Date: ***{September 25, 2025}***

Petitioner: **Cody & Jaclyn Bohlen, Billie Busboom**

Request: **Authorize a variance for a proposed 5-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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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **September 25, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Billie Busboom, 2756 CR 2200N Ogden, is the owner of the 40-acre tract that is proposed to be divided into a 35-acre farm lot and a 5-acre residential lot. Cody and Jaclyn Bohlen plan to purchase the 5-acre lot. The proposed lot is located in the West half of the Southwest Quarter of the Southeast Quarter of Section 9, Township 20 North, Range 14 West of the Second Principal Meridian in Ogden Township, with an address of 2756 CR 2200 N, Ogden.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Ogden Township, which does not have a Plan Commission.

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 proposed 5-acre subject property is zoned AG-1 Agriculture and is in use as residential and agriculture.
 - B. Land to the north, south, east and west is zoned AG-1 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Site Plan received on November 25, 2024, indicates the following:
 - (1) Existing structures on the property include:
 - a. One single family dwelling
 - b. One 28 x 26-foot detached garage
 - c. One approximately 4,000 sq. ft. machine shed
 - (2) The petitioner is not proposing any construction at this time.
 - B. The home and the original portion of the machine shed were constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973.
 - C. The detached garage and an addition to the machine shed were constructed later, but no Zoning Use Permit was required because the property was used as an accessory residential use to the principal agricultural use on the property.
 - D. The subject property is a 40-acre lot, and the petitioners propose to divide off a 5-acre lot.

- E. The petitioner is proposing to add approximately 3.1-acres of tilled land to the existing grassed area to create a 5-acre lot.
- E. There are no previous zoning cases for the subject property.
- F. The requested variance is a proposed 5-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.

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 Land Evaluation (LE) of 91 or higher, as determined by the Champaign County LESA System; or
 - (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.

- (4) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) “LOT LINES” are the lines bounding a LOT.
 - (6) “VARIANCE” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- 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 subject parcel is 5 acres in a rural agricultural area, located along County Road 2200N. Unlike smaller lots in the zoning district, the size and configuration of this parcel make it suitable for limited personal agricultural use, including keeping livestock. The property’s rural setting and surrounding agricultural activity create conditions where this use would be consistent with the character of the area but not feasible on smaller lots within the same zoning district.”**
- B. The proposed 5-acre lot is comprised of Clare silt loam, Brenton silt loam and Drummer silty clay which are soils that are considered BEST PRIME FARMLAND and has an average LE score of 97.
- C. The petitioner seeks to divide off the existing 1.9 acre grassed area and an additional 3.1 acres of row crop area.

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: **“Strict application of the zoning ordinance would prevent us from using the property for small-scale personal agricultural purposes, which is a reasonable use given the parcel size and location. Without the variance, the land could only be used in a manner inconsistent with the area’s agricultural nature, limiting its intended use and value.”**
- B. Without the proposed variance, the petitioners would not be able to divide off the 5-acre parcel that they require for their personal agricultural purposes.

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, the special circumstances and practical difficulties result from the zoning restrictions applied to this parcel, not from any action we have taken. We purchased the property with the intent of personal rural use, consistent with its size and location”**
- B. The petitioners plan to use the additional area for their personal agricultural purposes.

- C. A portion of the area of the proposed lot has been used as a farmstead in conjunction with the adjacent farmland since before the adoption of the Champaign County Zoning Ordinance.

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: **“Granting this variance would be in harmony with the general intent of the zoning ordinance, which is to ensure orderly development, protect property values, and support appropriate land use. The requested use is consistent with the agricultural and rural character of the surrounding area and does not conflict with the purpose of the ordinance.”**
 - 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 proposed 5-acre lot area is 166% of the required three acre maximum, for a variance of 66%.
 - E. It is not clear if any land will be taken out of row crop 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 variance will not be injurious to neighboring properties or detrimental to public health, safety or welfare. The parcel is large enough (5 acres) to accommodate personal livestock use without creating nuisances. Any structures or fencing will comply with applicable safety standards, and the rural location ensures compatibility with surrounding land uses”.**
 - B. The Ogden Township Highway Commissioner has been notified of this variance, and no comments have been received.
 - C. The Ogden Township Supervisor has been notified of this variance, and no comments have been received.
 - D. The Ogden-Royal 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 requested variance allows reasonable and traditional use of a rural 5-acre parcel, in keeping with agricultural practices common to the area. Denial of the variance would prevent us from using the property in a manner that is consistent with both the community character and the expectation of rural property owners.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

DOCUMENTS OF RECORD

1. Application for Variance received August 27, 2025, with attachments:
 - A Site plan showing the proposed property lines received September 12, 2025
 - B Quit Claim Deed Recorded with the Champaign County Recorder of Deeds document # 2007R19700

2. Preliminary Memorandum dated September 18, 2025, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received September 12, 2025
 - C 2023 Annotated Aerial Photo
 - D 1973 Aerial Photo
 - E Soils Map
 - F Site Images taken September 17, 2025
 - G Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 176-V-25 dated September 25, 2025

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **176-V-25** held on **September 25, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The petitioners seek to divide off a 5-acre lot that will provide sufficient area for the existing residence and their small scale personal agricultural uses.***
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***Without the proposed variance, the petitioners would not be able to divide off a lot with sufficient space for their proposed small-scale personal agricultural uses.***
3. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
 - a. ***A portion of the proposed lot has been used as a farmstead in conjunction with the adjacent farmland since before the adoption of the Champaign County Zoning Ordinance and the petitioner wants to continue to use the land for small scale personal agricultural uses.***
4. The requested variance ~~***{SUBJECT TO THE PROPOSED CONDITION}***~~ ***{IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***The petitioner proposes to use the land for small-scale personal agricultural uses.***
5. The requested variance ~~***{SUBJECT TO THE PROPOSED CONDITION}***~~ ***{WILL / WILL NOT}*** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***Relevant jurisdictions have been notified of this case, and no comments have been received.***
6. The requested variance ~~***{SUBJECT TO THE PROPOSED CONDITION}***~~ ***{IS / IS NOT}*** the minimum variation that will make possible the reasonable use of the land/structure because: ***It is the minimum lot size that will include the existing home and buildings and allow sufficient space for the proposed agricultural uses.***
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 **176-V-25** is hereby ***{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}*** to the petitioners, **Cody & Jaclyn Bohlen and Billie Busboom**, to authorize the following:

Authorize a variance for a proposed 5-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