

CASE NO. 005-V-21

PRELIMINARY MEMORANDUM

APRIL 20, 2021

Petitioner: Steven Jacobs

Request: Authorize a variance for a 10.907-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 10.907-acre tract in the West Half of the Southeast Quarter of Section 7, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township, commonly known as the farmstead with an address of 5508 West Springfield Avenue, Champaign.

Site Area: 10.907 acres of a 76-acre parent tract

Time Schedule for Development: As soon as possible

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

BACKGROUND

Petitioner Steven Jacobs owns the subject property. He would like to split the 10.907-acre farmstead from the tillable land on a 76-acre tract. If the variance is approved, Frances Barker is going to purchase the farm ground (Tract 1) surrounding the proposed lot from Mr. Jacobs. The lot split was approved by the Village of Bondville on February 8, 2021.

The lot split needs a variance from the County for creating a lot greater than three acres on Best Prime Farmland. The petitioner proposes no on the ground changes to the property, other than to square up the residential tract, which would provide slightly more tillable land for the farmer. P&Z Staff created a map dated April 16, 2021 showing the proposed lot split over a 2020 aerial photo to demonstrate how squaring off the homestead might change tillable area (Attachment C).

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 located within the one and one-half mile extraterritorial jurisdiction of the Village of Bondville, a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases.

The subject property is located within Champaign Township, which does not have a Planning Commission.

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

Direction	Land Use	Zoning
Onsite	Farmstead	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture, Residential	AG-1 Agriculture
South	Agriculture, Ameren substation	AG-1 Agriculture

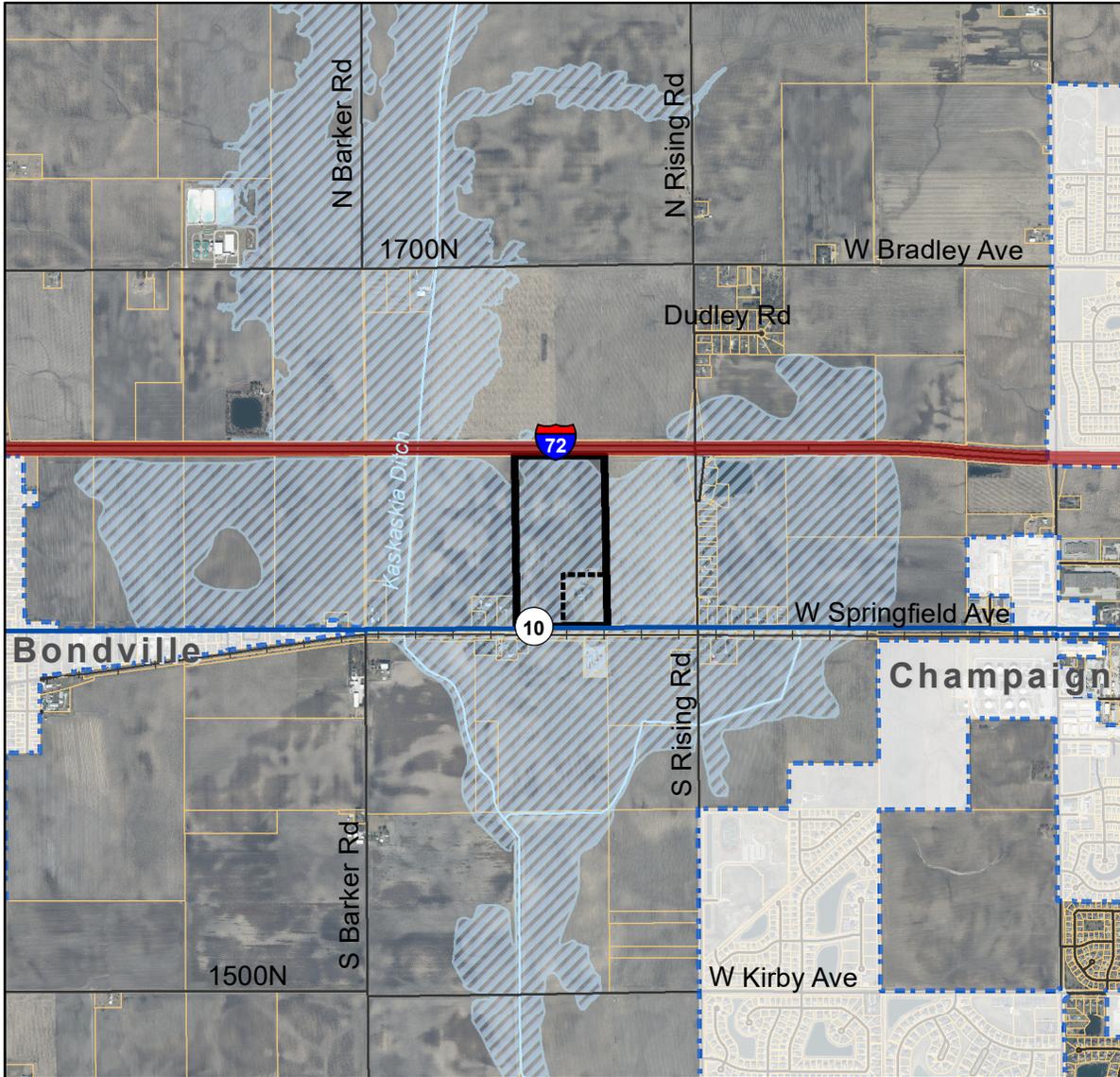
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan: Plat of Survey by Hartke Engineering and Surveying dated January 11, 2021
- C Map showing the proposed lot split over a 2020 aerial photo created P&Z Staff, dated April 16, 2021
- D Site Images taken April 12, 2021
- E Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 005-V-21 dated April 29, 2021

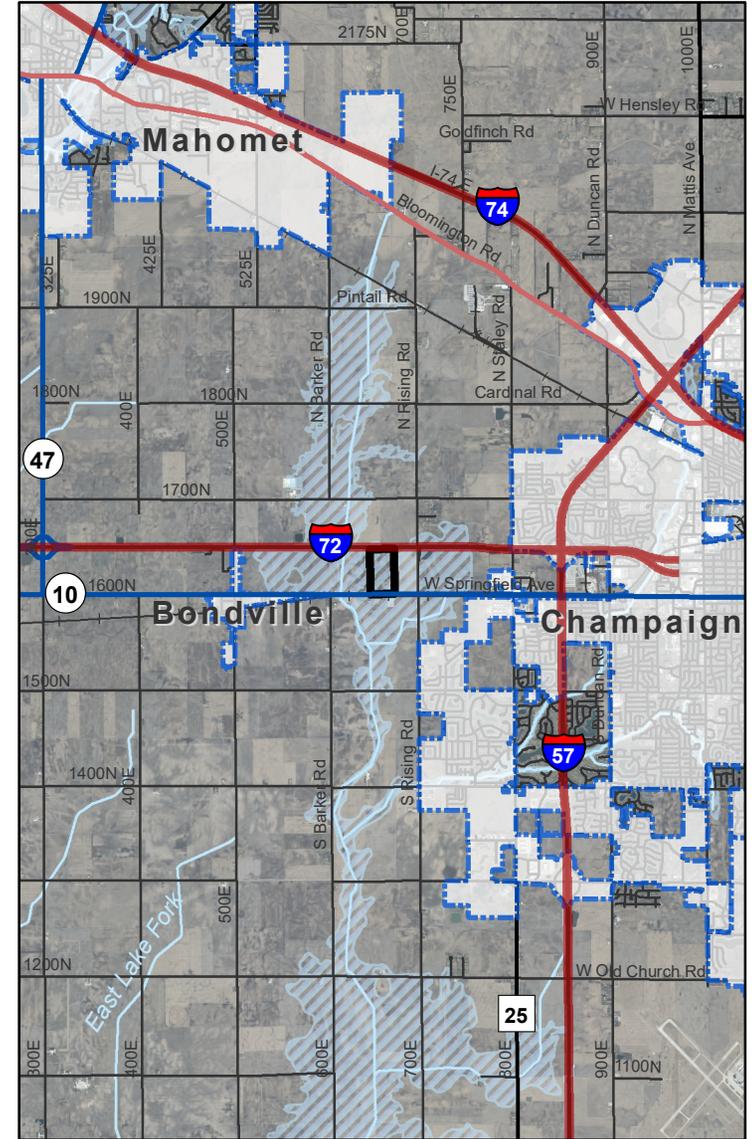
Location Map

Case 005-V-21
April 29, 2021

Subject Property



Property location in Champaign County



Legend

-  Subject Property
-  Proposed Tract 2
-  Parcels
-  Flood Hazard Area
-  Municipal Boundary
-  Streams

Champaign County
Department of
PLANNING &
ZONING



Land Use Map

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April 29, 2021



Legend

- | | | |
|------------------|-------------|----------------|
| Subject Property | Residential | Agriculture |
| Proposed Tract 2 | Commercial | Ag/Residential |
| Parcels | Tax Exempt | |

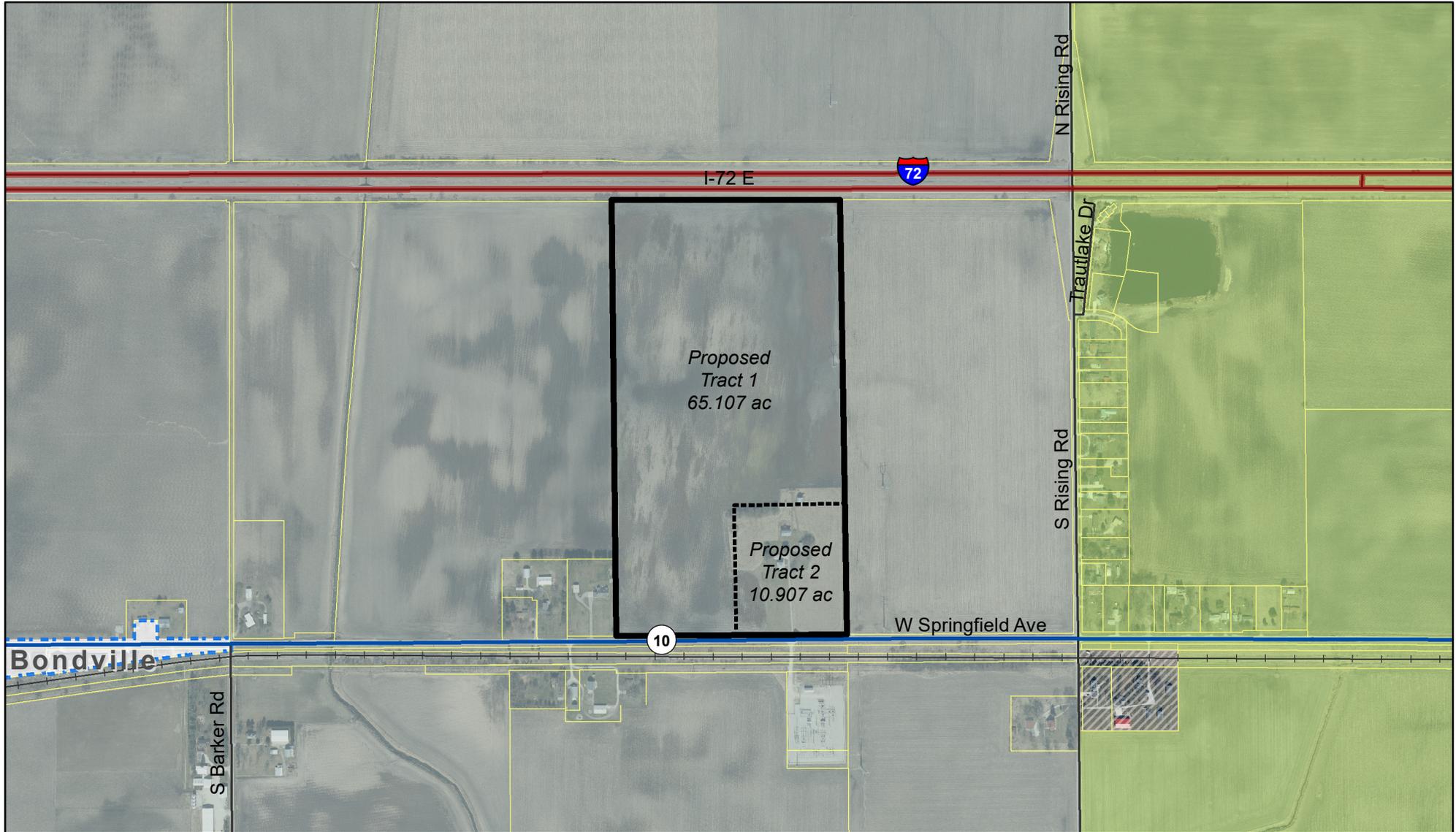
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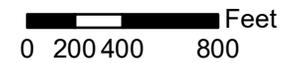
Zoning Map

Case 005-V-21
April 29, 2021



Legend

- Subject Property
- Proposed Tract 2
- Municipal Boundary
- Parcels
- AG-1 Agriculture
- AG-2 Agriculture
- Annexation Agreement



PLAT OF SURVEY
 PART OF THE WEST HALF
 OF THE SOUTHEAST QUARTER
 OF SECTION 7, TOWNSHIP 19 NORTH,
 RANGE 8 EAST OF THE 3RD P.M.
 CHAMPAIGN COUNTY, ILLINOIS

RECEIVED
 MAR 25 2021
 CHAMPAIGN CO. P & Z DEPARTMENT

SPACE RESERVED FOR RECORDING OFFICER

LEGAL DESCRIPTIONS

Tract 1
 Part of the West Half of the Southeast Quarter of Section 7, Township 19 North, Range 8 East of the 3rd P.M., more particularly described as follows:
 Beginning at a monument vault at the Southwest Corner of said Southeast Quarter; thence N. 00°37'47" W., along the West Line of said Southeast Quarter, a distance of 2529.89 feet to an iron pipe situated on the south right-of-way line of Interstate Route 72 (F.A. Route 11); thence N. 89°55'23" E., along said south right-of-way line, a distance of 1309.88 feet to an iron pipe situated at the northwest corner of a tract described in Doc. No. 2013R25326 in the Champaign County Recorder's Office; thence S. 00°40'05" E., along the west line thereof, a distance of 1775.79 feet to an iron pipe; thence S. 89°36'44" W., parallel with the South Line of said Southeast Quarter, a distance of 636.00 feet to an iron pipe; thence S. 00°40'05" E., parallel with said west line of a tract described in Doc. No. 2013R25326, a distance of 747.00 feet to a Mag Spike situated on the South Line of said Southeast Quarter; thence S. 89°36'44" W., along said South Line, a distance of 675.51 feet to the point of beginning; encompassing 65.107 acres, more or less, all being situated in Champaign County, Illinois, and said real estate being subject to existing public utilities and the rights of the public in the roadway commonly known as "Illinois Route 10".

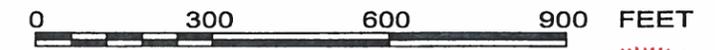
Tract 2
 Part of the West Half of the Southeast Quarter of Section 7, Township 19 North, Range 8 East of the 3rd P.M., more particularly described as follows:
 Commencing at a monument vault at the Southwest Corner of said Southeast Quarter; thence N. 89°36'44" E., along the South Line of said Southeast Quarter, a distance of 675.51 feet to a Mag Spike at the point of beginning; thence N. 00°40'05" W., parallel with the west line of a tract described in Doc. No. 2013R25326 in the Champaign County Recorder's Office, a distance of 747.00 feet to an iron pipe; thence N. 89°36'44" E., parallel with aforesaid South Line, a distance of 636.00 feet to an iron pipe situated on said west line; thence S. 00°40'05" E., along said west line, a distance of 747.00 feet to a Mag Nail and Washer situated at the southwest corner thereof; thence S. 89°36'44" W., along aforesaid South Line, a distance of 636.00 feet to the point of beginning; encompassing 10.907 acres, more or less, all being situated in Champaign County, Illinois, and said real estate being subject to existing public utilities and the rights of the public in the roadway commonly known as "Illinois Route 10".

NOTES

1. Client Name: Steve Jacobs
2. Field Work Completion Date: 01/11/2021
3. Utilities and other improvements may exist in addition to the items shown on this survey.
4. Basis of Bearings: Illinois State Plane Coordinate System, East Zone NAD 1983
5. Additional easements exist. See Berns, Clancy & Assoc. Plat dated Oct. 9, 2009 for more details.
6. Tract 1 lies almost entirely within SFHA Zone "A"
 Tract 2 lies entirely within SFHA Zone "A"

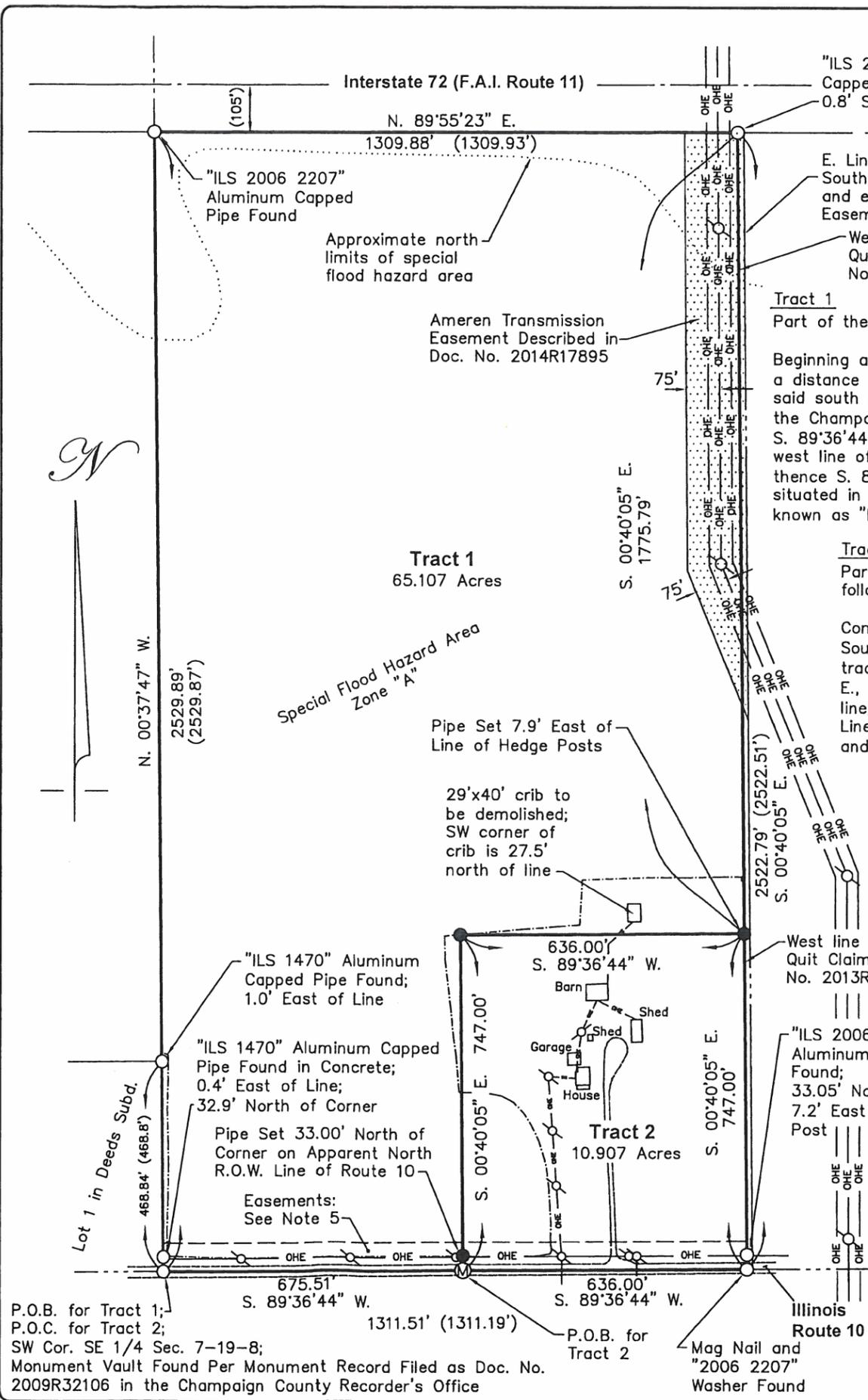
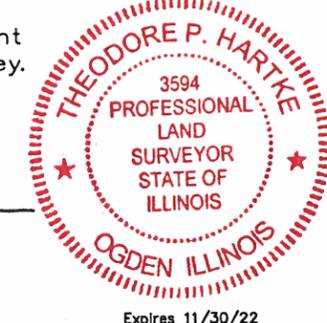
LEGEND

- 1/2" X 30" Iron Pipe Set with I.P.L.S. 3594 Identification Cap
- Existing Survey Monument
- Ⓜ Mag Spike Set
- ⚡ Power Pole
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- - - - Section/Sub-Section Line
- - - - Edge of Road Surface
- - - - Crop Line
- Scaled Edge of Flood Zone
- OHE — Overhead Electric Wires



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 January, 2021.

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



P.O.B. for Tract 1;
 P.O.C. for Tract 2;
 SW Cor. SE 1/4 Sec. 7-19-8;
 Monument Vault Found Per Monument Record Filed as Doc. No. 2009R32106 in the Champaign County Recorder's Office

DATE OF PREPARATION: 01/11/2021	PROJECT ID: 20037500
 HARTKE ENGINEERING AND SURVEYING INC. 217.440.1612 tedh@harkc.com 117 S. EAST AVE P.O. BOX 123 OGDEN, IL 61859 101 W. OTTAWA ROAD PANTON, IL 60957	SHEET NO.
	1
OF 1 SHEETS	
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.006128	

Proposed Lot Split on 2020 Aerial

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April 29, 2021



Legend

-  Subject Property
-  Proposed Tract 2
-  Parcels



Champaign County
Department of
**PLANNING &
ZONING**

005-V-21 Site Images



From south side of IL 10 facing north to subject property residence



From south side of IL 10 facing NW to proposed Tract 1 farmland and Tract 2 residence at right

005-V-21 Site Images



From SW corner of proposed Tract 1 farmland facing north with neighbor's house at left



From SW corner of proposed Tract 1 facing NE to proposed Tract 2 residence

PRELIMINARY DRAFT

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

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

Date: ***{April 29, 2021}***

Petitioners: **Steven Jacobs**

Request: **Authorize a variance for a 10.907-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 **April 29, 2021**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Steve Jacobs, 5508 W Springfield Ave, Champaign, owns the subject property.
2. The subject property is a 10.907-acre tract in the West Half of the Southeast Quarter of Section 7, Township 19 North, Range 8 East of the Third Principal Meridian in Champaign Township, commonly known as the farmstead with an address of 5508 West Springfield Avenue, Champaign.
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 the Village of Bondville, a municipality with zoning. Municipalities do not have protest rights on a variance and are typically not notified of such cases.
 - B. The subject property is located within Champaign 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 76-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 residential and agricultural production.
 - C. There is an Ameren substation located south of the subject property.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The site plan is a Plat of Survey by Hartke Engineering and Surveying dated January 11, 2021 and received March 25, 2021, and indicates the following:
 - (1) The Village of Bondville approved the 10.907-acre lot split on February 8, 2021, but the lot is not in compliance with the Zoning Ordinance requirement for a maximum 3-acre lot on Best Prime Farmland.
 - (2) Existing structures on the property include:
 - a. One residence that was constructed prior to the adoption of the Zoning Ordinance on October 10, 1973;
 - b. One 24 feet by 24 feet garage located north of the house constructed between 2011 and 2014;
 - c. One 14 feet by 14 feet shed located northeast of the garage;

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- d. One 25 feet by 50 feet shed located northeast of the garage, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973; and
 - e. One barn located north of the other buildings, constructed prior to the adoption of the Zoning Ordinance on October 10, 1973.
 - f. Just north of the 10.907-acre tract, there is a 29 feet by 40 feet crib that will be demolished.
- (3) There is no construction proposed.
- B. There are no Zoning Use Permits for the subject property; prior construction was agriculture exempt and thus did not require permits.
- C. The requested variance is for a lot size of 10.907 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:

PRELIMINARY DRAFT

- (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*.

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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 current residential site has been maintained as a farmstead for 100 years. The existing residential use including house, outbuildings, hedgerow, trees, and existing lane providing access to Route 10/Springfield Ave. prohibits the creation of a three (3) acre parcel to allow applicants continued residential use of the site. Any attempt to create a three-acre parcel results in a flag lot given the long narrow lane to the residential property. Applicant desires to square and straighten the existing residential site thereby creating more tillable acreage in an expanded rectangle for efficiency for the farmer, Francis J. Barker, acquiring Tract 1 comprised of 65.107 acres, as outlined in the attached Plat of Survey. Mr. Barker owns acreage directly west of Tract 1. Applicant seeks to retain the agricultural use in the adjacent area (Tract 1) and continue hay production in the remaining acreage located within Tract 2.”**
 - (1) P&Z Staff created a map dated April 16, 2021 showing the proposed lot split over a 2020 aerial photo to demonstrate how squaring off the homestead might change tillable area.
 - B. Regarding the soils that make up the subject property:
 - (1) The soil on the 10.907-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. Although not directly relevant to the requested variance, the subject property is within the Special Flood Hazard Area. Once the 10.907-acre tract separates from Tract 1, no new construction or alterations can take place without a Zoning Use Permit from the P&Z Department because the new tract is no longer agriculture exempt. A Floodplain Development Permit will also be required with any future Zoning Use Permit application.

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:

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- A. The Petitioners testified the following on the application: **“The variance requested would cause no change in the uses in place for the past 100 years, except for a slight increase in tillable acreage.”**

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’s engineer was in contact with the P&Z Department to ensure that all County Zoning Ordinance requirements would be met.

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 the variance will allow the use of the entire 76-acre parcel to continue as it has been used for 100 years.”**
 - 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 10.907-acre lot area is 364% of the required three acre maximum, for a variance of 264%.
 - 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: **“Proposed changes maintain the property in its current harmonious state; the request of variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare; the variance, if allowed, will produce no visible and material changes.”**
 - B. The Fountain Head Drainage District has been notified of this variance, and no comments have been received.

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- C. The Champaign Township Highway Commissioner has been notified of this variance, and no comments have been received.
- D. The Champaign Township Supervisor has been notified of this variance, and no comments have been received.
- E. The Bondville 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: **“Applicant proposes to sell Tract 1 of the attached Plat of Survey comprised of 65.107 acres to the farmer to the west of the site, Francis J. Barker, for continued agricultural use; the spirit of the Best Prime Farmland Ordinance will be continued and slightly expanded with a division of Tracts 1 and 2 and sale to Mr. Barker.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

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PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Variance Permit received March 25, 2021, with attachment:
 - Site Plan: Plat of Survey by Hartke Engineering and Surveying dated January 11, 2021

2. Preliminary Memorandum dated April 20, 2021, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan: Plat of Survey by Hartke Engineering and Surveying dated January 11, 2021
 - C Map showing the proposed lot split over a 2020 aerial photo created P&Z Staff, dated April 16, 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 **005-V-21** held on **April 29, 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 residence is set back from the road by over 400 feet, which adds to the proposed lot area unless the petitioners create a flag lot.***
 - b. ***A rectangular residential site creates more tillable acreage that is more efficient for the farmer.***

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. ***Limiting the proposed residential lot to 3 acres would change the farmstead that has existed for over 100 years.***

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioners want to use existing geographic features to divide the land, making no on-the-ground changes.***
 - b. ***The Petitioner's engineer was in contact with the P&Z Department to ensure that all County Zoning Ordinance requirements would be met.***

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:

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 **005-V-21** is hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Steven Jacobs**, to authorize the following:

Authorize a variance for a 10.907-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