

MINUTES OF REGULAR MEETING**CHAMPAIGN COUNTY ZONING BOARD OF APPEALS**

1776 E. Washington Street
Urbana, IL 61801

DATE: December 30, 2021 **PLACE:** Shields-Carter Meeting Room
1776 East Washington Street
TIME: 6:30 p.m. **Urbana, IL 61802**

MEMBERS PRESENT: Ryan Elwell, Tom Anderson, Lee Roberts, Jim Randol

MEMBERS ABSENT: Marilyn Lee, Larry Wood

STAFF PRESENT: John Hall, Susan Burgstrom, Stephanie Berry, Trevor Partin

OTHERS PRESENT: Louis Wozniak, George Poulos, Kara Metcalf, Frank Hardimon, Karen Hardimon, Daniel Tappendorf

1. Call to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call and Declaration of Quorum

The roll was called, and a quorum declared present.

Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign the Witness Register.

3. Correspondence - None**4. Approval of Minutes – October 28, 2021 and December 2, 2021 Minutes.**

Mr. Elwell asked if there was any discussion for the October 28, 2021 minutes.

Mr. Randol moved, seconded by Mr. Roberts, to approve the October 28, 2021 minutes. The motion carried by voice vote.

Mr. Elwell asked if there was any discussion for the December 2, 2021 minutes.

Mr. Roberts moved, seconded by Mr. Randol, to approve the December 2, 2021 minutes. The motion carried by voice vote.

5. Continued Public Hearings - None**6. New Public Hearings**

Mr. Randol moved, seconded by Mr. Roberts, to move Case 028-V-21 to first on the agenda at this public hearing. (Note: minutes are transcribed in numerical order per the agenda).

1 **Case 026-V-21**

2 Petitioners: **JoAnn Wozniak, via agent Louis Wozniak**

3 Request: **Authorize a variance for a proposed 20.32-acre lot in lieu of the maximum allowed 3 acres in**
4 **area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District,**
5 **per Section 5.3 of the Champaign County Zoning Ordinance.**

6
7 Location: **Lot 2 of the proposed Country Oak Acres Subdivision that is part of a 25.47-acre tract in the**
8 **Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast**
9 **Quarter of Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in**
10 **Newcomb Township, commonly known as the farm ground west of the intersection of CR 500E**
11 **and CR 2550N, Mahomet.**

12
13 **Case 027-V-21**

14 Petitioners: **George Poulos, via agent Louis Wozniak**

15 Request: **Authorize a variance for a proposed 10.177-acre lot in lieu of the maximum allowed 3**
16 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
17 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

18
19 Location: **Lot 1 of the proposed Country Oak Acres Subdivision that is part of a 25.47-acre tract in the**
20 **Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast**
21 **Quarter, plus the adjacent 5.02-acre tract in the Southeast Quarter of the Northeast Quarter,**
22 **Section 26, Township 21 North, Range 7 East of the Third Principal Meridian in Newcomb**
23 **Township, commonly known as the farm ground west of the intersection of CR 500E and CR**
24 **2550N, Mahomet.**

25
26 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
27 the witness register for that public hearing. He reminded the audience that when they sign the witness
28 register, they are signing an oath.

29
30 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
31 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
32 show of hands or a verbal indication from those who would like to cross-examine, and each person will
33 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
34 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
35 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
36 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
37 evidence.

38
39 Mr. Louis Wozniak stated that he lives at County 401C 2425 North County Road in Mahomet, Illinois.
40 He said that he has no financial interest in these cases, and he has been asked by Mr. and Mrs. Poulos and
41 Mr. Tappendorf to speak on their behalf because he owns the property, which they have now purchased,
42 and he knows all the background material that goes along with it. He said that he is representing his wife,
43 JoAnn Wozniak, who purchased that land on November 3, 2011. He referred to Attachment B in
44 Supplemental Memo #1, that shows the purchase dates; he said it might help the Board to look at it,
45 because who remembers dates. He said that they bought the land from Jean Holliday, who wanted to sell
46 out; he believes she now resides in Ohio. He said that it was a piece of ground that was owned by her
47 father, and her father had four kids, so he divided the property into four sections and all the kids got 30
48 acres each. He said that he would like to refer to the acreage of the lot sizes of 30, 20, and 10, although
49 it's not 30 acres exactly, it's not 20 acres exactly, and it's not 10 acres exactly, because they are all a little
50 over that acreage. He said that he wanted to distribute the acreage equally so that when the Village of

1 Mahomet came in and took some property for their improvements, it would be included.

2
3 He said that Mr. Poulos owns the property to the north, and Mr. Poulos approached him and wanted to
4 extend his property another five acres; well actually, he wanted all 30 acres, but money is normally the
5 problem. He said that he wanted to buy five acres in order to extend his grazing, since he raises horses,
6 has chickens, a couple of dogs, and a kid. He said that he sold him the five acres on November 21, 2017,
7 and those have been the only two lots that have been sold of record, so there would be the original 30.49
8 acres sold in 2011 to JoAnn Wozniak from Jean Holliday to begin with, and then the 5.019 acres sold in
9 2017 to Mr. Poulos and Mrs. Metcalf from JoAnn Wozniak.

10
11 He said that as time went on, Mr. Poulos and Mrs. Metcalf came to him again, and asked him if he would
12 be willing to sell another five acres to them. He said that he would sell them another five acres if they
13 wanted another five acres, and he sold them that on January 13, 2021. He said that has not been posted
14 yet; they have the deed, but the problem resulted in the description of the property not being accurate. He
15 said that the five acres was split off from the remaining 25 acres, which made the proposed 10-acre lot for
16 Mr. Poulos and Mrs. Metcalf. He said that they already own the 10-acre lot, because they already owned
17 the original five acres, and then included five more acres to make a 10-acre lot. He said that the Village
18 of Mahomet had just approved three, five-acre lots, right next to this property to a Kocher, he thought the
19 name was. He said that he had told the Village of Mahomet that it was after the date that the extraterritorial
20 jurisdiction went into effect; they had asked him what he wanted to do, and he had told them that he just
21 wanted to sell these lots. He said that the Village of Mahomet had told him that he could do that; they
22 could do a 10-acre lot in the 30-acre parcel, and that would take care of the 30 acres, because the last lot
23 was not on the GIS yet, and currently still doesn't have a parcel identification number. He said the Staff
24 didn't include it, so the description isn't exactly correct, but the entire 30 acres will be sold.

25
26 He referred to the Attachment D, which shows the entire 30-acre parcel on the aerial, but if the Board
27 looks very closely, they will see the 10-acre lot to the north and the 20-acre lot to the south, with a white
28 dotted line going across the 30-acre parcel. He said that there is a solid yellow line going through the 10-
29 acre lot; the northern five-acre lot was already Mr. Poulos's and Mrs. Metcalf's when they applied for this
30 variance, and the other five acres was already there, but the Staff didn't know that because there was no
31 parcel identification number. He said that he asked for a parcel identification number last week, and he
32 went in this morning, and they had told him that he would have it at the beginning of the new year, 2022.
33 He said that the taxes are being paid, because whoever has the parcel identification number pays for the
34 taxes, nobody can get away from death or paying taxes, and the treasurer is more than happy to take their
35 money. He said that the second question is, how are they going to divide this parcel into a 10-acre lot and
36 a 20-acre lot, even though the first lot has already been divided. He said that there was an issue with the
37 type of soil, so the Staff had come up with another possibility for subdividing the 30-acre parcel. He said
38 the Board can see that in the upper northeast corner of the 30-acre parcel there is a black dotted line, and
39 that is the Staff's proposed 10-acre and 20-acre lots. He said that he did not ask for that proposal, it was
40 done by the Staff, but when he looked at the proposal, he said this was not going to work, because farmers
41 like long strips of tillable farmland, they don't like to go around inside or outside corners. He said that if
42 the Board looks at the Staff's proposal, the 20-acre lot is really a flag lot; the pole ties into the flag part to
43 the west. He said that if someone builds a house there, then it will block the remaining acreage to the west
44 of the 20-acre flag lot; it is not going to work, and the farmers are going to hate it. He said that he thinks
45 they are going to be going back to the first proposed layout that he had requested to begin with. He said
46 he thinks he finally convinced Staff that that is the way it should be, and his only purpose on this lot is to
47 preserve as much farmland as they can possibly preserve. He said he thinks that can be done by putting a
48 300 foot strip on the east side of both proposed lots and allowing the farmers to farm long strips on both
49 of the proposed lots for planting and harvesting.

1 Mr. Elwell asked him if he was referring to Attachment C on Case 027-V-21.

2
3 Mr. Wozniak said that he was referring to Attachment D.

4
5 Ms. Burgstrom said that on Attachment D, it shows the alternative that Staff had talked about, but perhaps
6 Mr. Wozniak would prefer to go back to Attachment C, which shows the 10-acre lot to the north and the
7 20-acre lot to the south, and no L-shaped lot.

8
9 Mr. Wozniak said that the reason he chose this particular Attachment was because it has both proposed
10 lots on it, and that way he could speak about both, which is his and the Staff's interpretation of how the
11 proposed lots should be divided. He said that this preserves the long lengths of farmland for both farmers
12 that are going to farm both lots. He said the south lot is for Mr. Tappendorf, who is sitting behind him in
13 the meeting room, and the north lot is going to be for Mr. Poulos and Mrs. Metcalf. He said he had to
14 travel to the Village of Mahomet and to P & Z, the two don't quite mesh together. He said one department
15 told him one thing, and the other told him another thing, and then he was stuck in the middle, but they all
16 worked something out hopefully, he thinks. Mr. Poulos and Mrs. Metcalf have a 13-year-old son, who is
17 6-foot 3-inches tall and wears a size 13 shoe, but hopefully he won't continue that until he is 18 years old,
18 because he won't be able to buy shoes. He told them that they have their son, and he takes care of the
19 horses, chickens, and everything else, and he can throw a bale of hay up into the loft from the ground,
20 because he is a big boy. He told them that he might meet someone in the future who doesn't want to live
21 on a farm, but on the other hand, he might, and if he does, but then Mrs. Metcalf stopped him on the spot,
22 and told him yes, that they wanted the other five acres. He said that it is worth having kids in order to have
23 grandkids, and that is what happened, so they divided the lot that way. He said they were happy with the
24 way it was divided, and they would not be happy if the lot was curtailed with the inset on one side. He
25 said Mr. Tappendorf would not be happy with the proposed lot layout that has the flag lot, and the flag lot
26 abuts to the north side of the three lots that Kocher has now. He said that there is not enough room to do
27 much of anything with this proposed lot layout. He told the Board that they may have seen that the Staff
28 had received some feedback from neighbors, and there was one negative feedback.

29
30 Ms. Burgstrom said that Staff had received a letter from James Eagan, who had spoken against the
31 variance.

32
33 Mr. Wozniak said that he answered that letter he believes adequately.

34
35 Ms. Burgstrom told the Board that there was a handout at their desk tonight with Mr. Wozniak's response
36 to the James Eagan letter, who did not want the variance approved.

37
38 Mr. Wozniak referred to number seven on his handout, which is the last line and summarizes the entire
39 letter the Staff received from James Eagan: "Where do you read in the ZBA Notice on Dec 30, 2021
40 agenda that the land's 'best use' is farmland?" He said that it doesn't say that, it just says that they are
41 best prime farmlands. He said that he ran across this with some of the other neighbors, and if they call it
42 best prime farmland, that says the entire thing is best prime farmland, but it isn't. He said that he believes
43 the best prime farmland soil is colored blue on Attachment C, but there is enough best prime farmland soil
44 there to call the whole 30-acre parcel best prime farmland. He said that if there were a small explanation
45 in addition to that, to say something like the 30-acre parcel is partly best prime farmland or a certain
46 percentage of best prime farmland, then they wouldn't run into this problem of people not understanding
47 what it really meant; it doesn't have to be an oratory, but just a line or so. He said the other one is that he
48 had trouble understanding, the Village of Mahomet calls it an agricultural subdivision, and as soon as the
49 word subdivision reaches their ears, they go ballistic. He said that he is asking for two variances in the

1 least productive part of both lots, which is the first 300 feet that is closest to the road, and will actually
2 increase the land evaluation of the lot by taking that out. He said that is how they got here, between Mr.
3 Poulos and Mrs. Metcalf, and himself, that is what happened, and he hopes the Board will understand their
4 need and they will allow this to get approved. He said that the Village of Mahomet is on board with it or
5 at least they appeared to be on board with the letter that they sent the Staff, and he is here to ask that they
6 understand the situation, and that they hopefully will pass the variance.
7

8 Mr. Randol asked if he was planning to sell any more of this 20 acres.
9

10 Mr. Wozniak said that by the middle of January, the other 20 acres will already be sold.
11

12 Mr. Randol asked if he would only own the frontage area.
13

14 Mr. Wozniak said that as of now he owns 20 acres, but after January 15, 2022, he will own nothing. He
15 said that this will be the next case that the Board will hear tonight with Mr. Tappendorf behind him, who
16 is buying the other 20 acres.
17

18 Mr. Elwell asked if the sale was contingent on this variance case.
19

20 Mr. Wozniak said no; if so, he wouldn't be saying that the 20 acres is already sold if it were contingent
21 on that approval. He said that it is the same type of situation; Mr. Tappendorf would have the same
22 restrictions as Mr. Poulos and Mrs. Metcalf, which is staying within 300 feet of the road, which is the least
23 productive, and it doesn't impinge on the best prime farmland and it is the perfect situation, because it has
24 the maximum number of acres available for farming of the good ground. He said that is what he tried to
25 do from the beginning when laying this out.
26

27 Mr. Elwell asked Ms. Burgstrom if she would be willing to give them a little bit of background on why
28 Staff suggested what they did versus what was suggested by the petitioners.
29

30 Ms. Burgstrom referred to the Country Oak Acres Subdivision in Attachment B, which is the larger sheet.
31 She said that this is what Mr. Wozniak is still proposing, but Staff found a different way to what they
32 thought would be an alternative that would better protect larger swaths of best prime farmland and would
33 also make Mr. Poulos's variance unnecessary. She said that now that they have more information from
34 the Village of Mahomet, and more information on what the intent is with these two proposed lots, they
35 are in agreement that the 10-acre lot to the north and the 20-acre lot to the south would be for the best, as
36 long as the proposed buildable house areas would be within the east 300 feet of these 10-acre and 20-acre
37 lots. She said they are not talking about building an extra 300-foot lot or anything like that, it is just that
38 the home would be built on the eastern 300 feet of these two proposed lots. She said that way, the best
39 prime farmland to the west would be protected in agriculture and won't have a house on it, so the houses
40 would be built on the east side. She said that Staff has proposed a special condition that the Board can see
41 in the Preliminary Memorandum, that says any house built on either lot would have to be within the eastern
42 300 feet of the lot. She said that the Village of Mahomet has a minimum subdivision acreage of 10 acres
43 for agriculture subdivisions. She said that the County Ordinance has their three-acre best prime farmland
44 maximum that is the subject of this variance; and the Village of Mahomet has a 10-acre minimum for
45 making a subdivision to allow this to be a buildable lot for Mr. Poulos and Mrs. Metcalf, so there is a bit
46 of a disconnect between the County's 3-acre maximum and the Village of Mahomet's 10-acre minimum.
47 She said that by approving this variance and approving Mr. Poulos's and Mrs. Metcalf's variance in the
48 next case, they will be able to stay within the guidelines that the Village of Mahomet needs for their lot
49 area size, but also protect the best prime farmland that the County seeks to protect, just by having a special

1 condition that puts the housing on the eastern 300 feet.
2
3 Mr. Elwell asked Mr. Wozniak if he was privy to that information.
4
5 Mr. Wozniak asked if he meant from the Village of Mahomet.
6
7 Mr. Elwell said from the P & Z Staff.
8
9 Mr. Wozniak asked what information he was talking about.
10
11 Mr. Elwell said that it sounds like the Staff is okay with how he wants his 10-acre lot, but they are asking
12 for a line that is 300 feet from the east part of the property, that the buildable area can't cross back into
13 the west part of the property.
14
15 Mr. Wozniak said absolutely.
16
17 Ms. Burgstrom said that Mr. Wozniak is aware.
18
19 Mr. Wozniak said that is part of the sale; he wanted it that way to preserve the farmland.
20
21 Mr. Elwell asked if the other two parties he was speaking on behalf of were in agreement with that.
22
23 Mr. Wozniak said that they are aware of it and are in agreement with it. *(Mr. Poulos and Mr. Tappendorf*
24 *both indicated agreement from the audience)*
25
26 Ms. Burgstrom said that in the Preliminary Memorandum for case 026-V-21, which is Mr. Wozniak's
27 case, at the bottom of page two and the top of page three, the Board will see that special condition that
28 talks about that eastern 300 feet. She said that Staff is proposing to add the same condition to case 027-V-
29 21, so the same special condition is on both proposed lots. She said with that, Staff would be fine with
30 doing the proposed lots as Mr. Wozniak and Mr. Poulos and Mrs. Metcalf desire, as shown in that plat of
31 survey for Country Oak Acres Subdivision in Attachment B.
32
33 Mr. Elwell asked if there were any other questions from the Board.
34
35 Mr. Wozniak said that the survey has been duly done and the application with the Village of Mahomet is
36 awaiting the decision of this Board.
37
38 Mr. Anderson asked about Attachment B and C, and the underlying sheet on the tract.
39
40 Ms. Burgstrom said that in the Preliminary Memorandum for case 026-V-21, she wrote in underline on
41 the first page, "therefore P & Z Staff recommend denial of this variance." She said that they did so because
42 the minimum variation without this newer information that she just talked about, the minimum variation
43 would have been that Mr. Poulos and Mrs. Metcalf would not have needed a variance if they had done
44 that alternative 10 acres that was shown in the Attachment D. She said that the Village of Mahomet has
45 that 10-acre minimum that they also have to take into consideration, and they found an alternative way to
46 allow the proposal as the petitioners wanted, with the 10-acre and 20-acre lots one on top of the other, so
47 a denial is no longer necessary.
48
49 Mr. Elwell asked if there were any other questions from the Board.

1 Mr. Anderson asked Mr. Hall to go through the letter, because it didn't show up in his materials for
2 tonight's meeting.

3
4 Ms. Burgstrom said that she believes the letter didn't make it into case 026-V-21 packet, but it did make
5 it into 027-V-21 packet.

6
7 Mr. Anderson said no.

8
9 Ms. Burgstrom asked not at all.

10
11 Mr. Anderson said no.

12
13 Mr. Randol asked him if he was talking about the letter from Mahomet.

14
15 Mr. Anderson said no, the letter from Mr. Hall to Mr. Wozniak and Mr. Poulos and Mrs. Metcalf.

16
17 Ms. Burgstrom said there was a letter sent by Staff that was supposed to be an attachment within the
18 packets, that did not make it into the packets, and that is her fault, so she apologizes. She said the letter
19 outlined how they did not think that the variance could be approved, because there was a way to do this
20 where Mr. Poulos and Mrs. Metcalf would not need a variance, but once Staff had new information, that
21 letter became unnecessary. She said it was necessary to tell them that they thought the variance wasn't
22 going to pass, but once Staff found a way, it made that letter not as necessary to consider.

23
24 Mr. Hall told Mr. Anderson that he would like to make it clear that he personally thinks the Board could
25 still deny the variances, because the alternative layout that Staff came up with is, in fact, the minimum
26 required variation. He said however, he understands that this Board normally likes to get along with
27 petitioners if there is a way to do that, and he thinks the buildable area within 300 feet of the street is a
28 help. He said he still believes the minimum variation is the alternative layout that Staff came up with; that
29 is just the fact, but he could understand why the Board might want to approve this variance with the special
30 condition so they could be through with this case and the petitioner could move on.

31
32 Mr. Elwell asked him if the Board had ever asked for a limitation on the buildable area before, like what
33 they are asking for here tonight.

34
35 Mr. Hall said no, but he doesn't think that the Board has ever been presented with a case quite like this,
36 and the Zoning Ordinance has a clear limit on maximum lot size on best prime farmland, and it was in
37 place in 2004. He referred to a division in 2021, that just blows that limit out of the water, and this proposal
38 doesn't come anywhere near that limit. He said that maybe restricting the buildable area within 300 feet
39 of the street, maybe that is a good approximation, but it is not what the ordinance calls for; that is why a
40 variance is necessary, and that is why the alternative layout is the minimum variation, but as this Board
41 knows, they could do wonderful things with special conditions, and they have the special condition.

42
43 Mr. Elwell asked if the 300 feet is what would create a three-acre lot.

44
45 Mr. Wozniak said that he could help him with that, he has the size of the lots marked if he would like to
46 see it. He referred to Attachment D and said that the three-acre lot would come up from the southeast
47 corner to the land evaluation 69 on the green colored section, and the line would go under the bottom of
48 the LE 69, which is the height of the lot, and of course it is a square with four sides, so it would come a
49 little bit beyond the 300-foot line. He said that the Board doesn't have to give them three-acre lots, they

1 can give them two-acre lots, and both parties have agreed to that. He said that if the Board would like to
2 know where the two-acre lot line would be, he could give them that. He said that the two-acre line would
3 be located five feet shorter than the 300-foot line, so it is all entirely within the east part of the lots. He
4 said that both parties could move the lots north or south, and he assumes that Mr. Tappendorf will want
5 to move the lot down, because there are three five-acre lots right next to it, just for privacy if nothing else,
6 that is his business, and he can do whatever he wants. He said that as far as the up and down goes with the
7 lots, if the Board sees where the green color, which is 618C2 Senachwine silt soil, meets the tan color by
8 the 618B Senachwine silt soil, that is basically the corner of the 300-foot line, where it crosses from green
9 to tan, that is the corner of the lot, and it is actually about 10 feet to the east of that. He said that he had
10 suggested making the lot size limited to two-acre lots, how many square feet does someone need to build
11 a house. He said that since it is an agriculture parcel, they will be able to build a barn on it if that is what
12 they need to hold the machinery they might have. He said that he would personally appreciate having that
13 buildable area cut down to two-acre lots instead of three-acre lots.

14
15 Mr. Anderson said that he was driving through that area the other day, and he doesn't think that whatever
16 they do with these variance cases tonight, that five years from now the farmland will disappear and it will
17 not be used for farming, it will be used for residential and maybe a pasture, so he doesn't know what to
18 do.

19
20 Mr. Wozniak said that assuming the Board gives a variance, which is limited, then isn't that a part of the
21 deed, because someone can't change that and come in five years later and build a house wherever they
22 want, they can't do that or can they, he doesn't know.

23
24 Mr. Anderson asked if he was sure, because he saw some houses built out there, that were wherever the
25 landscapes suggest.

26
27 Mr. Wozniak said that it appears to him, when they give the mandate in the Village of Mahomet to make
28 the lots an agricultural subdivision, that is going to say an agricultural subdivision, not what he mentioned,
29 which they are out there, but outside the extraterritorial jurisdiction, but these lots are within the
30 extraterritorial jurisdiction. He said that the Village of Mahomet doesn't mess around, and they will
31 enforce their regulations, and he hopes it is going to be like that forever, because that is what he wants to
32 do with this parcel of land.

33
34 Ms. Burgstrom said that she can't make 100 percent certain that there won't be a mansion in the middle
35 of a 20-acre lot at some point in the future; however, these properties are still within Champaign County
36 zoning jurisdiction, so when a permit for construction comes through their office, then they are going to
37 look at the special conditions that were approved for this variance, if the variance is approved, and say
38 wait, the owner of this lot has to build within 300 feet of the eastern property line. She said that if this
39 were to be annexed into the Village of Mahomet, the Village also has a requirement as part of their
40 agriculture subdivision that any house would be toward the road, and not back in the middle, also to
41 preserve the farmland. She said that both the Village of Mahomet and the County have it in their interest
42 to put the housing on the eastern side. She said if someone tries to sell this as a subdivision with a lot of
43 lots on it at some point in the future, that is a significant process for both the County side or the Village
44 of Mahomet side, but since this is in the Village of Mahomet subdivision jurisdiction, they know that they
45 have a significant process that would have to be gone through to make anything more than the two lots
46 with two houses that are being proposed here tonight.

47
48 Mr. Anderson asked if she was trying to tell him that the 10-acre lot will be used for residential and
49 farmland.

1 Ms. Burgstrom said that whenever Mr. Elwell is willing to have the other petitioner speak, Mr. Poulos
2 does have future plans for that 10-acre lot, and he can speak to that when the Board is ready.
3

4 Mr. Elwell asked Mr. Hall if he could shed a little bit on testimony of the first five-acre lot and the second
5 five-acre lot purchases, but the second five acres doesn't have a parcel identification number, and if this
6 case is denied, for instance, then what are the ramifications for giving a PIN for that second five-acre lot.
7

8 Mr. Hall said that PINs are assigned on an annual basis or sometimes during the middle part of the year,
9 but that has not historically been the County's tax cycle, it is a yearly cycle. He said that if Mr. Poulos's
10 variance is not approved, then the five acres will get a parcel identification number, and they won't be
11 able to get a permit on it, but it can be used as farmland or for any agricultural purpose, but the P & Z
12 office would not be approving any permit on that five-acre lot. He said going back to Mr. Anderson's
13 concern, he wants to convince and reassure him that if the Board approves this variance to limit
14 nonagricultural construction to just the eastern 300 feet of these lots, that is the only place that construction
15 will occur until some major other approval is received. He said that this will be an easy thing to police,
16 and he doesn't want the Board to have any concerns about that; if they approve this to limiting construction
17 to the eastern 300 feet, they should be confident in that. He said that he knows it's not what they see out
18 there on the landscape now, and that is because what they see out there now hasn't gone through this
19 process, and the Zoning Board hasn't had the need to put any limits on the existing lots that are out there.
20 He said that these are new lots, and this is a different process, and the Board should have confidence in it
21 if that is what they want to do or thinks should be done. He said it is maybe not what they would do, but
22 if they think it is reasonable, then he is confident that their office can enforce this condition of limiting
23 construction to within 300 feet of the road; he has no concerns about that.
24

25 Mr. Elwell asked if there were any other questions from the Board or Staff for the witness. He asked if
26 anyone would like to cross-examine the witness. Seeing no one, he thanked Mr. Wozniak.
27

28 Mr. Elwell said that the witness register is open for cases 026-V-21 and 027-V-21. He asked Mr. Poulos
29 if he would like to tell them a little bit about his case 027-V-21.
30

31 Mr. George Poulos stated that he lives at 2563 County Road 500 East in Mahomet, Illinois. He said he
32 has lived in that area for about 14 years, and he married a woman from southeast Iowa who was a farm
33 girl. He said that he grew up in Urbana, and has been in this area since 1955, and has always liked being
34 out in the country all of his life and the outset areas of the city. He said he has worked for farmers many
35 times baling hay and walking beans, good old stuff growing up. He said that when he asked Mr. Wozniak
36 if he could buy some farm ground, because he wanted to have his own hay ground, and got tired of having
37 to go out and buy hay at different times of the year, which can be quite expensive, he bought five acres
38 from him. He said that he turned the five acres into hay ground, and then he asked him if he ever sold
39 more acreage down the road would he sell him another five acres, then he bought another five acres from
40 him, so the first five acres and the second five acres are both hay fields, and it is going to stay that way
41 and it is not coming out. He said that he is 70 years old, and he has an underlying heart condition, and he
42 is not going to be around much longer, so he wants his son to be able to have a piece of property to put a
43 house on, so he can live next to his mother and help take care of her when he is dead and gone. He said
44 that this might not happen now, but the way this has worked out with the Village of Mahomet and the
45 Zoning Board is he has got to do this now, because he doesn't know what the future is going to bring, and
46 he is living with a heart defibrillator, so he is asking the Board for this variance so this can be moved on.
47 He said that his son is not going to build a house tomorrow, because he is only 14 years old, but that is
48 why he is doing this, for the future of being able to take this property and give it to him, and he is going
49 to keep it as a farm. He said that it isn't going to be anything else, and it can't, because the house would

1 have to be built under the guideline of whatever the Zoning Board would allow. He said that is what he
2 wants to do, and Mr. Hall told him it didn't need to have a PIN if he bought the first five acres, well he
3 bought the first five acres, and he and Mr. Wozniak measured the five acres out, and he put hay on it and
4 Mr. Wozniak farmed the rest of it in row crop farming, whether it was beans or corn. He said that then he
5 bought the other five acres, and they decided to do the homestead, because that is what the Village of
6 Mahomet requires since the acreage is in the outbound area of Mahomet. He said that they were to make
7 a subdivision, so they made it a subdivision, and here they are before the Board.

8
9 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked Mr. Poulos if he was
10 in agreement with the 300 feet that was proposed.

11
12 Mr. Poulos said yes, most definitely.

13
14 Mr. Elwell asked if anyone would like to cross-examine the witness. Seeing no one, he asked if anyone
15 else would like to testify in cases 026-V-21 or 027-V-21. Seeing no one, he entertained a motion to close
16 the Witness Register for cases 026-V-21 and 027-V-21.

17
18 **Mr. Roberts moved, seconded by Mr. Randol, to close the Witness Register for cases 026-V-21 and**
19 **027-V21. The motion carried by voice vote.**

20
21 Mr. Elwell asked Mr. Hall about the letter received from one of the neighbors, James Eagan, since he has
22 not traveled this road; was there any type of feedback from the road commissioner or Staff about
23 congestion in this area.

24
25 Mr. Hall said that one thing he wanted to make clear is, both of these lots that they are looking at are what
26 they call by-right lots; they don't need a rezoning process, because for example, on the total of the 30
27 acres, these landowners have the right to put two homes somewhere on those 30 acres subject to the lots
28 being created. He said that Mr. Eagan seems to be complaining about the proliferation of rural homes, and
29 that is really not what this variance is about; it is about them having the right to put two homes out there,
30 but the issue is, what is the shape of the lots going to be. He said that the concerns that Mr. Eagan has, to
31 the extent that coming up with lots more to the liking of the petitioner's will facilitate home construction
32 sooner, yes, that is an issue that somewhat relates to Mr. Eagan's concerns, but really his concerns are a
33 different thing, because these lots are by-right, they just need to work out the geometry.

34
35 Mr. Elwell asked if there was any further discussion from the Board.

36
37 Mr. Elwell said that one question he would ask from the Board is what their thoughts are on their Findings
38 of Fact when it says this is the minimum variation. He said that on number six, it says "The requested
39 variance is or is not the minimum variation that will make possible the reasonable use of the land or
40 structure because:".

41
42 Mr. Anderson asked what page he was looking at.

43
44 Mr. Elwell referred to Attachment F, page 10 of 12, in the Findings of Fact for Case 026-V-21; number
45 six is at the very bottom of the page.

46
47 Mr. Randol said that he doesn't see the question that he is trying to ask, to him the response for number
48 six, letter a., is pretty self-explanatory.

1 Ms. Burgstrom asked if they were talking about question number six, letter a.
2
3 Mr. Elwell said question number six, it says “The requested variance is or is not the minimum variation
4 that will make possible the reasonable use of the land or structure because:”.
5
6 Mr. Randol said to turn the next page and there is an answer there, on page 11 of 12, and he agrees with
7 it.
8
9 Mr. Elwell asked what if the Board answers number six with “is not.”
10
11 Mr. Randol said that he is not answering it that way, because it is the minimum variation, and he is content
12 with that.
13
14 Mr. Hall asked Mr. Randol if he was also assuming there would be a special condition.
15
16 Mr. Randol said that is true.
17
18 Mr. Hall said yes.
19
20 Mr. Randol said that nothing has been mentioned about any special conditions, other than the placement
21 of a home.
22
23 Mr. Elwell said correct.
24
25 Mr. Hall said yes.
26
27 Mr. Elwell said that as it is written, they need to add the special condition of the 300 feet.
28
29 Mr. Randol said that he follows him, and he agrees.
30
31 Mr. Elwell said correct, and he asked Mr. Hall if with that special condition this would be the minimum
32 variation.
33
34 Mr. Hall said yes; in fact, this is an extremely bad night to be without the overhead projector, because
35 these findings were drafted with one mindset, but now that there may be a special condition that actually
36 changes the findings a lot. He said that he and Ms. Burgstrom were working on alternative findings, and
37 an additional thing they came up with, one thing that this special condition will do, is it will prohibit any
38 nonagricultural construction on the actual best prime farmland soils, and Mr. Wozniak referred to that
39 earlier. He said that with the Staff alternative, the petitioners could still have construction on actual best
40 prime farmland soils, so he thinks that considering letter a., which is under number six already, the
41 petitioner would like to configure the lot as shown and all the rest of that, then if the Board added a new
42 item, the special condition would prohibit any nonagricultural construction on actual best prime farmland
43 soils. He said that he thinks the Board could make a finding that says, “The requested variance, subject to
44 the proposed special condition, is the minimum variation that will make possible the reasonable use of the
45 land and structure because:” He said they had changes on almost all of these findings, because again, they
46 were drafted with a different mindset and all of these findings that are not affirmative. He said for example,
47 number two with the special condition, would be changed to say, “The practical difficulties or hardships
48 created by carrying out the strict letter of regulations sought to be varied will prevent reasonable or
49 otherwise permitted use of the land or structure or construction because:” then they would add that same

1 finding there about the special condition would prohibit any nonagricultural construction on actual best
2 prime farmland soils. He said that when the Board is ready to go through this, they have some
3 recommended changes, and they can go through them one by one, whenever they are ready.
4

5 Mr. Elwell asked Mr. Anderson if he had any concerns up until this point so far.
6

7 Mr. Anderson said that he has concerns, but in this society of following the rules only sometimes, and
8 understand that tomorrow, they may be broken, that is what he had suggested and is dealing with.
9

10 Mr. Randol said that in any situation there is always going to be a possibility of somebody that could come
11 back and ask for a variance, but the Board, whoever that would be at that point, could say yes or no. He
12 said that he doesn't think that there is any way that the Board could guarantee that, even though that is
13 what they are requesting, that 10 or 20 years down the road, that somebody different is going to own that,
14 and would want to do something different with that land, he doesn't think there is any way that they can
15 say that it would never happen.
16

17 Mr. Elwell asked Mr. Hall if having the projector screen would allow them to be able to redraft the
18 findings, and if he thought that would be more productive when this third case is presented to them in
19 early January.
20

21 Mr. Hall said that it would be easier if they had the overhead projector, but they are ready to work through
22 this tonight if the Board is. He said they have their recommendations already drafted, so they are actually
23 in a better position than in general; they don't have to come up with anything new tonight, they've already
24 got some recommendations drafted and ready to go.
25

26 Mr. Elwell asked Mr. Anderson if they were ready to proceed.
27

28 Mr. Anderson said he guess so.
29

30 Mr. Elwell asked how the Board would like to proceed.
31

32 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
33 **Record, and move to the Findings of Fact for Case 026-V-21. The motion carried by voice vote.**
34

35 Mr. Elwell referred to Attachment F, page 10 of 12. In order to make time to copy a document, Mr. Elwell
36 asked if there was a motion to take a five-minute recess, returning at 8:10pm.
37

38 **Mr. Randol moved, seconded by Mr. Roberts, to take a five-minute recess. The motion carried by**
39 **voice vote.**
40

41 Mr. Elwell said that he would be reading the Findings of Fact for Case 026-V-21 from Attachment F, page
42 9 of 12, in the Preliminary Memorandum, as follows:
43

44 **FINDINGS OF FACT FOR CASE 026-V-21**

45 From the documents of record and the testimony and exhibits received at the public hearing for zoning
46 case **026-V-21** held on **December 30, 2021**, the Zoning Board of Appeals of Champaign County finds
47 that:
48

1 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
 2 **or structure involved, which are not applicable to other similarly situated land and**
 3 **structures elsewhere in the same district because:**
 4

5 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 7 the same district because: any lot split must be approved by the Village of Mahomet per their subdivision
 8 regulations. He said the 5-acre tract to the north was created without authorization from the Village of
 9 Mahomet; in order to build on it, subdivision authorization would have to come from the Village of
 10 Mahomet. He said the minimum lot size for a rural subdivision in Mahomet's subdivision jurisdiction is
 11 10 acres, and Mahomet's subdivision regulations require any residence to be built closer to the road than
 12 what the County regulations are.

13
 14 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 15 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 16 **the land or structure or construction because:**
 17

18 Mr. Roberts said the practical difficulties or hardships created by carrying out the strict letter of the
 19 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 20 structure or construction because: the special condition will prohibit any non-agricultural construction on
 21 actual best prime farmland soils and still allow a non-farm dwelling.
 22

23 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 24 **result from actions of the applicant because:**
 25

26 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 27 from actions of the applicant because: the Village of Mahomet subdivision regulations and related
 28 application fees discourage the creation of a smaller lot.
 29

30 **4. The requested variance, subject to the proposed condition, {IS / IS NOT} in harmony with**
 31 **the general purpose and intent of the Ordinance because:**
 32

33 Mr. Roberts said the requested variance IS in harmony with the general purpose and intent of the
 34 Ordinance.
 35

36 **5. The requested variance, subject to the proposed condition, {WILL / WILL NOT} be**
 37 **injurious to the neighborhood or otherwise detrimental to the public health, safety, or**
 38 **welfare because:**
 39

40 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 41 detrimental to the public health, safety, or welfare because: the special condition will prohibit any non-
 42 agricultural construction on actual best prime farmland soils.
 43

44 **6. The requested variance, subject to the proposed condition, {IS / IS NOT} the minimum**
 45 **variation that will make possible the reasonable use of the land/structure because:**
 46

47 Mr. Roberts said the requested variance IS the minimum variation that will make possible the reasonable
 48 use of the land/structure because: the special condition will prohibit any non-agricultural construction on
 49 actual best prime farmland soils.

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7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. If a residence will be constructed on the 20.32 acre property, it shall be built on the easternmost 300 feet of the property.

The special condition stated above is required to ensure the following:

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact for Case 026-V-21, as amended.

Mr. Roberts moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact for Case 026-V-21, as amended. The motion carried by voice vote.

Mr. Elwell informed Mr. Wozniak that they did not have a full Board tonight, but they would need four affirmative votes and there are four Board members present at tonight’s meeting. He asked them if they would like the Board to continue with their case or wait until the next available date on the ZBA docket when there is a full Board present. He said the Findings of Fact were all in the affirmative, but this is his decision.

Mr. Wozniak said to please continue.

Mr. Elwell entertained a motion to move to the Final Determination for Case 026-V-21.

Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 026-V-21. The motion carried by voice vote.

Mr. Elwell said he would be reading the Final Determination in Case 026-V-21 from Attachment F, page 12 of 12, in the Preliminary Memorandum, as follows:

FINAL DETERMINATION FOR CASE 026-V-21

Mr. Randol moved, seconded by Mr. Roberts, that 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 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 026-V-21 is hereby GRANTED WITH ONE CONDITION to the petitioner, JoAnn Wozniak, to authorize the following:

Authorize a variance for a proposed 20.32-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:

1 **A. If a residence will be constructed on the 20.32 acre property, it shall be built on the**
2 **easternmost 300 feet of the property.**

3
4 The special condition stated above is required to ensure the following:

5 **That owners preserve the largest possible area of best prime farmland on the**
6 **tract from conversion to residential or other use.**

7
8 Mr. Elwell requested a roll call vote.

9
10 The vote was called as follows:

11 **Lee- absent Randol- yes Roberts- yes**
12 **Anderson- yes Elwell- yes Wood - absent**

13
14 **The motion carried.**

15
16 Mr. Elwell told Mr. Wozniak that they received four affirmative votes to approve the case. He said they
17 would now move on to the Case 027-V-21 summary draft Findings of Fact.

18
19 Mr. Elwell asked Mr. Poulos to answer in the affirmative if he is in agreement with the proposed special
20 condition. He read special condition A as follows:

21
22 **A. If a residence will be constructed on the 10.177-acre property, it shall be built on the**
23 **easternmost 300 feet of the property.**

24
25 The special condition stated above is required to ensure the following:

26 **That owners preserve the largest possible area of best prime farmland on the**
27 **tract from conversion to residential or other use.**

28
29 Mr. Poulos stated he agreed with the special condition.

30
31 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Summary of Evidence, Documents of**
32 **Record, and move to the Findings of Fact for Case 027-V-21. The motion carried by voice vote.**

33
34 Mr. Elwell said that he would be reading the Findings of Fact for Case 027-V-21 from Attachment F, page
35 9 of 11, in the Preliminary Memorandum, as follows:

36
37 **FINDINGS OF FACT FOR CASE 027-V-21**

38 From the documents of record and the testimony and exhibits received at the public hearing for zoning
39 case **027-V-21** held on **December 30, 2021**, the Zoning Board of Appeals of Champaign County finds
40 that:

41
42 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
43 **or structure involved, which are not applicable to other similarly situated land and**
44 **structures elsewhere in the same district because:**

45
46 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
47 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
48 the same district because: any lot split must be approved by the Village of Mahomet per their subdivision
49 regulations. He said the 5-acre tract to the north was created without authorization from the Village of

1 Mahomet; in order to build on it, subdivision authorization would have to come from the Village of
2 Mahomet. He said the minimum lot size for a rural subdivision in Mahomet's subdivision jurisdiction is
3 10 acres, and Mahomet's subdivision regulations require any residence to be built closer to the road than
4 what the County regulations are.

5
6 Mr. Elwell asked Mr. Hall about item b, regarding the need for subdivision authorization in order to build
7 on the lot. He asked if it was needed, and would we be asking for two lots to be built upon. He said if we
8 were saying that no, there is only going to be one property with a house that is within 300 feet of the
9 property line, it seems like item b. is saying there is an opportunity to build a second house with Mahomet's
10 blessing.

11
12 Mr. Randol said Mahomet has stricter regulations on that than the County.

13
14 Mr. Elwell said right, but if we're not giving that opportunity, wouldn't that make it clearer that there is
15 not a desire to have multiple houses out there.

16
17 Mr. Hall said that his view of this is that item 1 in the summary Finding of Fact is just reaffirming the
18 history of the tract; it can't be built on without approval from the Village of Mahomet. He said the second
19 item is, and in fact, the minimum lot size is ten acres, so together it means you can't build on it without
20 Mahomet approval, and it has to be ten acres. He said it makes sense when you think of it that way; it's
21 not suggesting that you can get more than one house on that lot.

22
23 Mr. Elwell asked if that is in order to build on that 5-acre tract.

24
25 Mr. Hall said yes, and that is where we started; initially we had a 5-acre tract that had not been approved,
26 and now, it has been expanded into a ten-acre tract.

27
28 Mr. Elwell asked if this item should thus say the 10.177-acre tract. He said he wanted to kind of pump the
29 brakes on this because he is not 100% clear.

30
31 Mr. Hall said he is not 100% clear on what Mr. Elwell is trying to do. He said this variance is only to build
32 one house on a ten-acre tract.

33
34 Mr. Elwell said that he is in agreement, but he just doesn't like saying in order to build on it, subdivision
35 authorization is required from the Village.

36
37 Mr. Randol said that it is, regardless of what the size of lot is.

38
39 Mr. Elwell said that how this was read, it was for the five-acre, and it should be the 10.177-acre tract. He
40 said he knows he is splitting hairs here; he thinks we are all in agreement, except as he reads this, the five-
41 acre tract to the north was created without authorization from the Village of Mahomet, and in order to
42 build on it, the subdivision authorization from the Village is required. He said this is telling him that you
43 can build on that five-acre tract with the Village of Mahomet's approval.

44
45 Mr. Hall said that is not what the variance is for.

46
47 Ms. Burgstrom asked if she could make a suggestion. She said "the five-acre tract to the north was created
48 without authorization from the Village of Mahomet. In order to build on it, subdivision authorization is
49 required *for a ten-acre tract.*" She asked if adding that phrase at the end would be helpful.

1 Mr. Elwell said that what he is thinking is items one and two should be together, almost. He asked if there
2 were any thoughts from the Board.

3
4 Mr. Randol said his thought is not to worry about it and to move on.

5
6 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations
7 sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of
8 the land or structure or construction because:**

9
10 Mr. Roberts said the practical difficulties or hardships created by carrying out the strict letter of the
11 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
12 structure or construction because: the petitioner could not construct a residence on the existing five-acre
13 tract without the proposed variance.

14
15 Mr. Elwell asked Mr. Hall if they were talking about the ten acres or the five acres.

16
17 Mr. Hall said on that one, you can change it to 10.177 acres just so that it's extra clear.

18
19 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}
20 result from actions of the applicant because:**

21
22 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
23 from actions of the applicant because: the Village of Mahomet subdivision regulations and related
24 application fees discourage the creation of a smaller lot.

25
26 **4. The requested variance, subject to the proposed condition, {IS / IS NOT} in harmony with
27 the general purpose and intent of the Ordinance because:**

28
29 Mr. Roberts said the requested variance IS in harmony with the general purpose and intent of the
30 Ordinance because: the 10.177-acre lot area is 339% of the required 3-acre maximum allowed on Best
31 Prime Farmland, for a variance of 239%.

32
33 Mr. Hall asked if he wanted to add paragraph b.

34
35 Mr. Randol said the special condition will prohibit any non-agricultural construction on actual best prime
36 farmland.

37
38 Mr. Elwell asked Mr. Roberts if he was in agreement with adding b.

39
40 Mr. Roberts said yes.

41
42 **5. The requested variance, subject to the proposed condition, {WILL / WILL NOT} be
43 injurious to the neighborhood or otherwise detrimental to the public health, safety, or
44 welfare because:**

45
46 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
47 detrimental to the public health, safety, or welfare because: all of the jurisdictions have been notified, and
48 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:

Mr. Roberts said the requested variance IS the minimum variation that will make possible the reasonable use of the land/structure because: the special condition will prohibit any non-agricultural construction on actual best prime farmland soils.

7. THE SPECIAL CONDITION IMPOSED HEREIN IS REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:

A. If a residence will be constructed on the 10.177-acre property, it shall be built on the easternmost 300 feet of the property.

The special condition stated above is required to ensure the following:

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact for Case 026-V-21, as amended.

Mr. Randol moved, seconded by Mr. Roberts, to adopt the Summary of Evidence, Documents of Record, and the Findings of Fact for Case 027-V-21, as amended. The motion carried by voice vote.

Mr. Elwell said he would be reading the Final Determination in Case 027-V-21 from Attachment F, page 12 of 12, in the Preliminary Memorandum, as follows:

FINAL DETERMINATION FOR CASE 027-V-21

Mr. Randol moved, seconded by Mr. Roberts, that 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 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 027-V-21 is hereby GRANTED WITH ONE CONDITION to the petitioner, George Poulos, to authorize the following:

Authorize a variance for a proposed 10.177-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:

A. If a residence will be constructed on the 10.177-acre property, it shall be built on the easternmost 300 feet of the property.

The special condition stated above is required to ensure the following:

That owners preserve the largest possible area of best prime farmland on the tract from conversion to residential or other use.

Mr. Elwell requested a roll call vote.

1 The vote was called as follows:

2	Lee- absent	Randol- yes	Roberts- yes
3	Anderson- yes	Elwell- yes	Wood - absent

4
5 **The motion carried.**

6
7 Mr. Elwell told Mr. Poulos that he received four affirmative votes to approve the case. He said Ms.
8 Burgstrom would be in contact if there is any further communication.

9
10 Ms. Burgstrom said that she would notify the Village of Mahomet on Monday that the variances passed
11 so they could do what they need to do on their end for the subdivision process.

12
13 **Case 028-V-21**

14 **Petitioners: Frank and Karen Hardimon**

15 **Request: Authorize a variance for a proposed 5.08-acre lot in lieu of the maximum allowed 3**
16 **acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture**
17 **Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

18 **Location: A 3.11-acre lot plus part of an 83.89-acre tract in the Northeast Quarter of the Northeast**
19 **Quarter of Section 6, Township 18 North, Range 7 East of the Third Principal Meridian**
20 **in Colfax Township, commonly known as the residence with an address of 79 CR 1200N,**
21 **White Heath.**

22
23 Mr. Elwell informed the audience that anyone wishing to testify for any public hearing tonight must sign
24 the witness register for that public hearing. He reminded the audience that when they sign the witness
25 register, they are signing an oath.

26
27 Mr. Elwell informed the audience that this Case is an Administrative Case, and as such, the County allows
28 anyone the opportunity to cross-examine any witness. He said that at the proper time, he will ask for a
29 show of hands or a verbal indication from those who would like to cross-examine, and each person will
30 be called upon. He said that those who desire to cross-examine will be asked to clearly state their name
31 before asking any questions. He noted that no new testimony is to be given during the cross-examination.
32 He said that attorneys who have complied with Article 7.6 of the ZBA By-Laws are exempt from cross-
33 examination. He asked if the petitioner would like to outline the nature of their request prior to introducing
34 evidence.

35
36 Frank and Karen Hardimon stated that they live at 79 County Road 1200 North in White Heath, Illinois.
37 Mr. Hardimon said that this particular farm and homestead site has been in his family for over 120 years.
38 He referred to Attachment E, and said the Board can see that there is a map from 1973 that shows the
39 original size of the homestead site. He said that he and his wife were married in 1983, and sometime in
40 the late 1980s his father split off 3.11 acres, which he and his wife have called their home and raised their
41 children in. He said that the situation has changed a little bit on the farm now, because both of his parents
42 are now deceased. He said his father passed away in 2010 and his mother in 2018, then the farm ground
43 went from a trust to a LLC that his siblings formed. He said that he is the sole member of their family that
44 lives in this area of the county, and he has a brother and sister that live in St. Joseph, and a couple of sisters
45 that live in Chicago. He said that his reason for petitioning for a variance is to get the additional land added
46 to the homestead site to maintain what is left of the farm buildings, because the farm buildings are in poor
47 condition. He said that he and his wife have both been mowing and taking care of this property for the
48 past 38 years, and he feels it is time that they go ahead and try to get control of the acreage surrounding
49 these buildings so he can take a little bit better care and maintenance of those buildings.

1 Mr. Elwell asked if there were any questions from the Board.
2
3 Mr. Randol asked him if he owned the surrounding farmland or is that still in the family trust.
4
5 Mr. Hardimon said that it is in an LLC; he is the manager of the LLC, so the owners would be himself,
6 his brother, and three sisters.
7
8 Mr. Randol asked if there were any issues with him taking the additional acreage for the homestead site.
9
10 Mr. Hardimon said that all his siblings have been consulted and they have all agreed with it.
11
12 Mr. Elwell asked if there were any other questions from the Board.
13
14 Mr. Elwell referred to Attachment B, and asked Mr. Hall if the proposed additional acreage was just this
15 area, correct.
16
17 Mr. Hall said yes, it is just the area that is outlined with the black line.
18
19 Mr. Elwell said that he noticed the proposed additional acreage is evenly squared-off, so it would make
20 farming around the homestead site more convenient.
21
22 Mr. Hall said that is right, it is a consistent line of tillage, which always helps.
23
24 Mr. Elwell asked if there were any other questions from the Board or Staff. He asked if anyone would like
25 to cross-examine the witness. Seeing no one, he asked if anyone would like to testify in Case 028-V-21.
26 Seeing no one, he asked the Board how they would like to proceed.
27
28 Mr. Anderson asked Mr. Hardimon if the farmer would continue to farm the surrounding farm ground.
29
30 Mr. Hardimon said that he would.
31
32 Mr. Anderson asked him if it was him that farmed the surrounding farm ground.
33
34 Mr. Hardimon said no.
35
36 Mr. Elwell entertained a motion to move to the Findings of Fact for Case 028-V-21.
37

38 **Mr. Randol moved, seconded by Mr. Roberts, to accept the Preliminary Draft, Documents of**
39 **Record, and move to the Findings of Fact for Case 028-V-21. The motion carried by voice vote.**
40

41 Mr. Elwell said that he would be reading the Findings of Fact for Case 028-V-21 from Attachment G,
42 page 9 of 10, in the Preliminary Memorandum, as follows:

43
44 **FINDINGS OF FACT FOR CASE 028-V-21**

45 From the documents of record and the testimony and exhibits received at the public hearing for zoning
46 case **028-V-21** held on **December 30, 2021**, the Zoning Board of Appeals of Champaign County finds
47 that:
48

1 **1. Special conditions and circumstances {DO / DO NOT} exist which are peculiar to the land**
 2 **or structure involved, which are not applicable to other similarly situated land and**
 3 **structures elsewhere in the same district because:**
 4

5 Mr. Randol said the special conditions and circumstances DO exist which are peculiar to the land or
 6 structure involved, which are not applicable to other similarly situated land and structures elsewhere in
 7 the same district because: no land will be removed from agricultural production. He said the subject
 8 property is owned by the petitioner, and he also does the farming of the farm ground around the homestead
 9 site. He said the only accessible way to get to the buildings in the back, which he currently does not own,
 10 is to travel through his property or the farmland to get there, and this will eliminate that issue.
 11

12 **2. Practical difficulties or hardships created by carrying out the strict letter of the regulations**
 13 **sought to be varied {WILL / WILL NOT} prevent reasonable or otherwise permitted use of**
 14 **the land or structure or construction because:**
 15

16 Mr. Roberts said the practical difficulties or hardships created by carrying out the strict letter of the
 17 regulations sought to be varied WILL prevent reasonable or otherwise permitted use of the land or
 18 structure or construction because: without the variance, the petitioner could not add the 1.97 acres to the
 19 existing residential lot, so maintenance of the outbuildings could not be transferred to the petitioner to
 20 maintain them.
 21

22 **3. The special conditions, circumstances, hardships, or practical difficulties {DO / DO NOT}**
 23 **result from actions of the applicant because:**
 24

25 Mr. Randol said the special conditions, circumstances, hardships, or practical difficulties DO NOT result
 26 from actions of the applicant because: no land would be removed from agricultural production, and the
 27 1973 farmstead area was larger than the proposed 5.08-acre lot.
 28

29 **4. The requested variance {IS / IS NOT} in harmony with the general purpose and intent of**
 30 **the Ordinance because:**
 31

32 Mr. Roberts said the requested variance IS in harmony with the general purpose and intent of the
 33 Ordinance because: the 5.08-acre lot area is 169% of the required three acre maximum, for a variance of
 34 69%. He said that no on the ground changes are proposed and the requested variance is not prohibited by
 35 the Zoning Ordinance.
 36

37 **5. The requested variance {WILL / WILL NOT} be injurious to the neighborhood or otherwise**
 38 **detrimental to the public health, safety, or welfare because:**
 39

40 Mr. Randol said the requested variance WILL NOT be injurious to the neighborhood or otherwise
 41 detrimental to the public health, safety, or welfare because: there have been no objections from the
 42 township, fire department, or anyone else.
 43

44 **6. The requested variance {IS / IS NOT} the minimum variation that will make possible the**
 45 **reasonable use of the land/structure because:**
 46

47 Mr. Randol said the requested variance IS the minimum variation that will make possible the reasonable
 48 use of the land/structure because: it would resolve the issue and square up the land.
 49

1 7. ***NO SPECIAL CONDITIONS ARE HEREBY IMPOSED.***

2
3 Mr. Elwell entertained a motion to adopt the Summary of Evidence, Documents of Record, and the
4 Findings of Fact for Case 028-V-21, as amended.

5
6 **Mr. Roberts moved, seconded by Mr. Randol, to adopt the Summary of Evidence, Documents of
7 Record, and the Findings of Fact for Case 028-V-21, as amended. The motion carried by voice vote.**

8
9 Mr. Elwell informed Mr. and Mrs. Hardimon that they did not have a full Board tonight, but they would
10 need four affirmative votes and there are four Board members present at tonight’s meeting. He asked them
11 if they would like the Board to continue with their case or wait until the next available date on the ZBA
12 docket when there would be a full Board present. He said the Findings of Fact were all unanimous and in
13 the affirmative, but this is their decision.

14
15 Mr. Hardimon said to please continue.

16
17 Mr. Elwell entertained a motion to move to the Final Determination for Case 028-V-21.

18
19 **Mr. Randol moved, seconded by Mr. Roberts, to move to the Final Determination for Case 028-V-
20 21.**

21
22 Mr. Elwell said he would be reading the Final Determination in Case 028-V-21 from Attachment G, page
23 10 of 10, in the Preliminary Memorandum, as follows:

24
25 **FINAL DETERMINATION FOR CASE 028-V-21**

26 **Mr. Randol moved, seconded by Mr. Roberts, that the Champaign County Zoning Board of Appeals
27 finds that, based upon the application, testimony, and other evidence received in this case, that the
28 requirements for approval in Section 9.1.9.C HAVE been met, and pursuant to the authority
29 granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of
30 Appeals of Champaign County determines that:**

31
32 **The Variance requested in Case 028-V-21 is hereby GRANTED to the petitioners, Frank &
33 Karen Hardimon, to authorize the following:**

34
35 **Authorize a variance for a 5.08-acre lot in lieu of the maximum allowed 3 acres in area for a
36 lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per
37 Section 5.3 of the Champaign County Zoning Ordinance.**

38
39 Mr. Elwell requested a roll call vote.

40
41 The vote was called as follows:

42 **Lee- absent Randol- yes Roberts- yes**
43 **Anderson- yes Elwell- yes Wood - absent**

44
45 **The motion carried.**

46
47 Mr. Elwell told Mr. and Mrs. Hardimon that they received four affirmative votes to approve their case.
48 He said that if there were any further communications, Staff would reach out to them.

49

1 7. **Staff Report** - None

2

3 8. **Other Business**

4

5 **A. Review of Docket**

6

7 Mr. Elwell asked if there were any absences anticipated. He said that he might not be present at the January
8 13, 2022 meeting because his daughter is due on the 9th.

9

10 **9. Audience participation with respect to matters other than cases pending before the Board**

11

12 **10. Adjournment**

13

14 Mr. Elwell entertained a motion to adjourn the meeting.

15

16 **Mr. Randol moved, seconded by Mr. Roberts, to adjourn the meeting.**

17

18 Mr. Elwell requested a roll call vote.

19

20 The vote was called as follows:

21

Lee- absent

Randol- yes

Roberts- yes

22

Anderson- yes

Elwell- yes

Wood - absent

23

24 The meeting adjourned at 8:46 p.m.

25

26 Respectfully submitted,

27

28 Secretary of Zoning Board of Appeals

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