

CASE 219-V-26

PRELIMINARY MEMORANDUM
August 20, 2026

Petitioner: Ashley Daly

Request: Authorize the following variance in the AG-1 Agriculture Zoning District on the subject property described below:

Part A: Authorize a variance for an existing lot with an average lot width of 150 feet in lieu of the required 200 feet per Section 5.3 and of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage building with a rear yard of 3 feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

Location: An existing 1.71 acre lot, in the Southeast Quarter of the Southwest Quarter of Section 14, Township 18 North, Range 7 East of the Third Principal Meridian, in Colfax Township with PIN 05-25-14-300-016, commonly known as the property with an address of 444 CR 900N Ivesdale.

Site Area: 1.71 acres

Time Schedule for Development: Currently in use

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

BACKGROUND

The petitioner Ashley Daly owns the subject property that contains an existing single-family dwelling, and a detached storage building. It was brought to the attention of the Department in 2020 that the property was created in 2019 and does not conform to the minimum average lot width requirements of the Zoning Ordinance. A letter was sent to the petitioner explaining the process to bring the property into conformance and it was also noted that the existing non-conforming storage building does not meet the minimum 10 ft. rear yard requirement.

A new house was constructed on the property in the same location of a previous home on the property sometime after 2020.

The petitioner seeks to bring the property into conformance with the Zoning Ordinance through the variance process.

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Colfax Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Single Family Residence	AG-1 Agriculture
North	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Agriculture	AG-1 Agriculture
South	Single Family Residence	AG-1 Agriculture

PROPOSED SPECIAL CONDITION

- A. **A Zoning Use Permit Application and applicable fees for the existing residence shall be applied for within 30 days of the approval of Case 219-V-26.**

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

Conformance with the Champaign County Zoning Ordinance

ATTACHMENTS

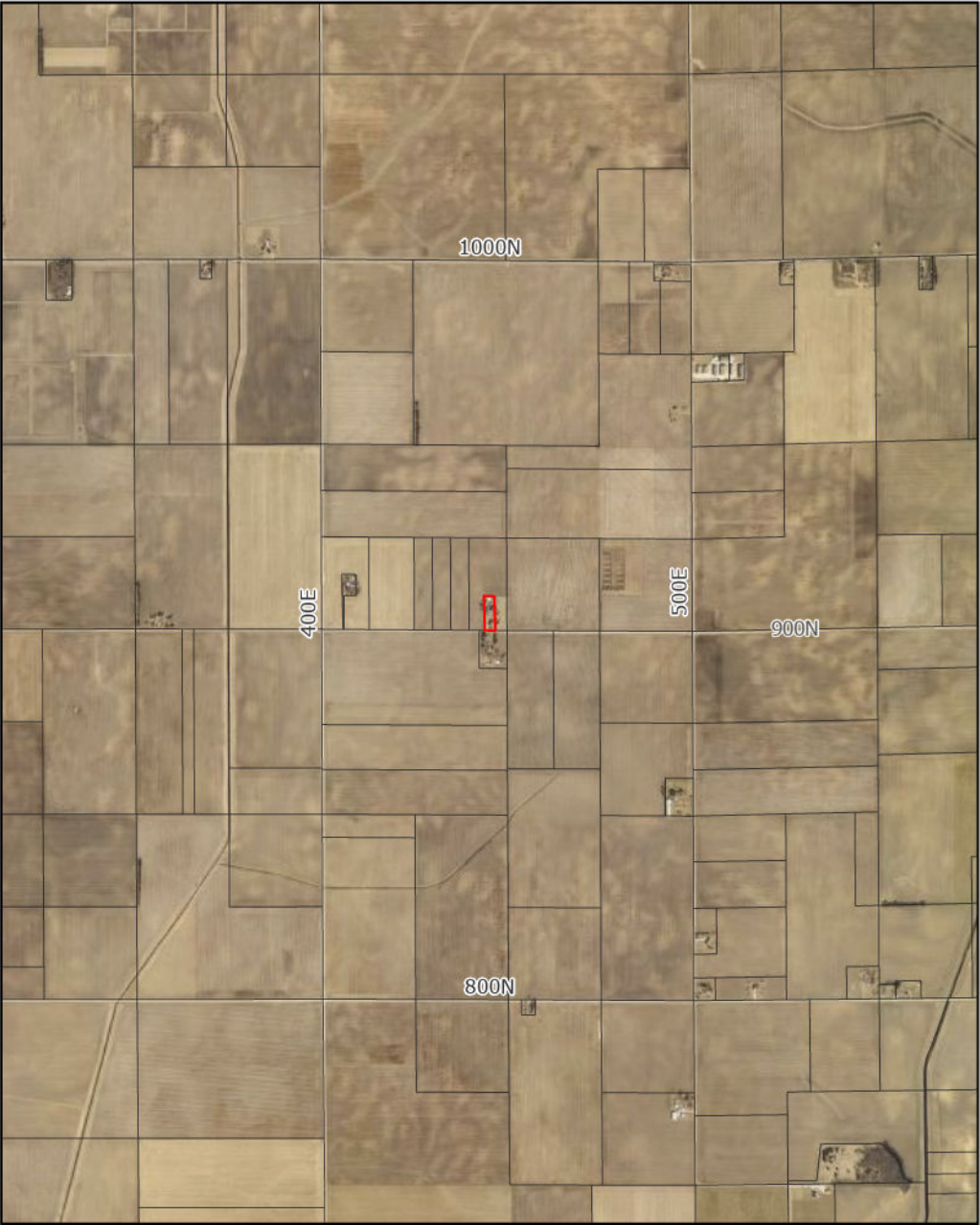
- A Case Maps (Location, Land Use, Zoning)
- B 2026 Annotated Aerial Photo showing existing property
- C 1973 and 1988 Aerial Photos
- D Site Images
- E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 219-V-26 dated August 27, 2026

Location Map

Case 219-V-26

August 27, 2026

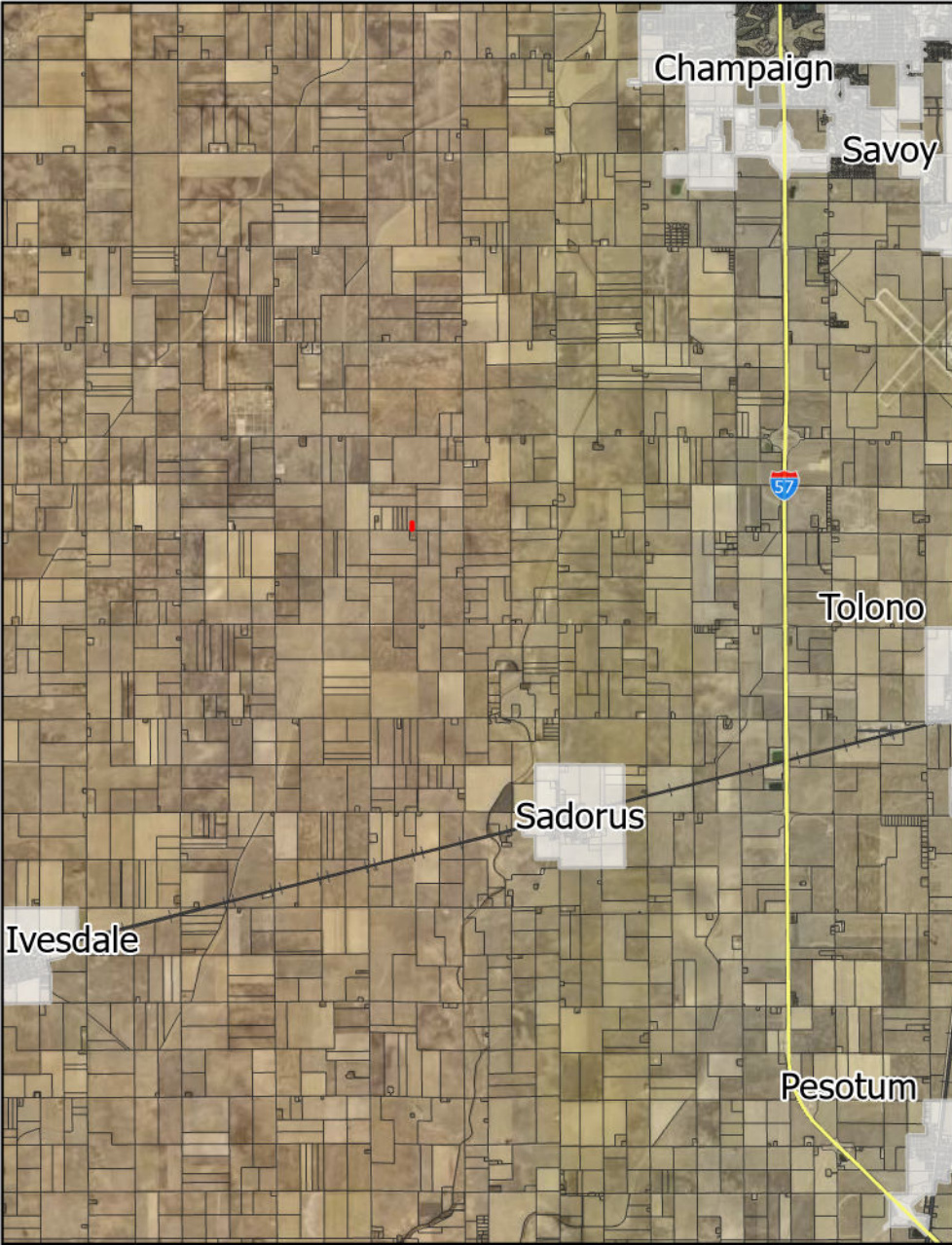
Subject Property



 Subject Property

0 0.5 1 Miles

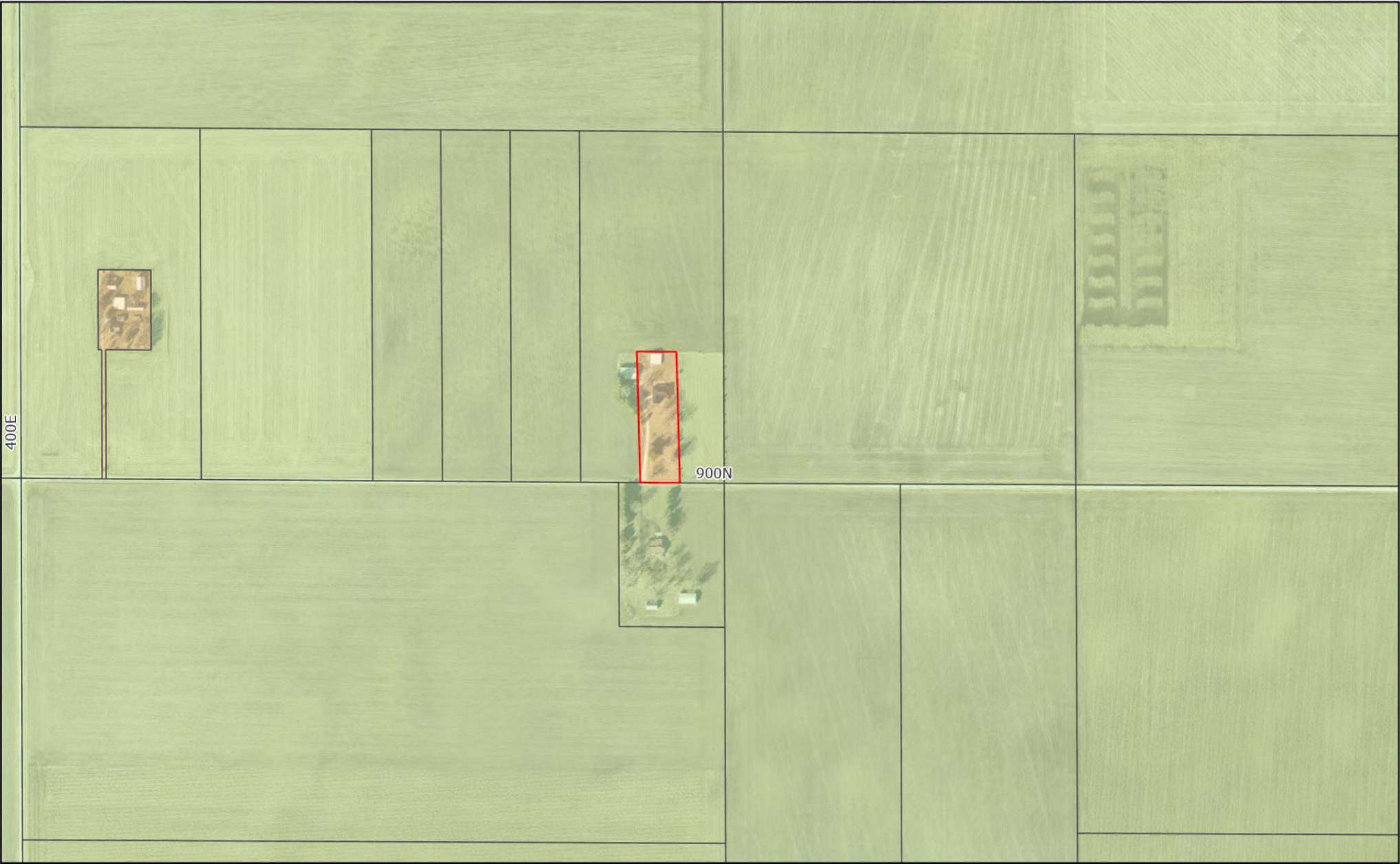
Property location in Champaign County



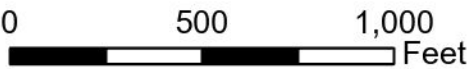
0 2 4 Miles

PLANNING & ZONING

Land Use Map
Case 219-V-26
August 27, 2026



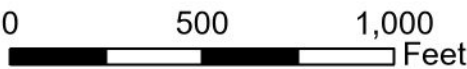
 Subject Property  Residential  Agricultural

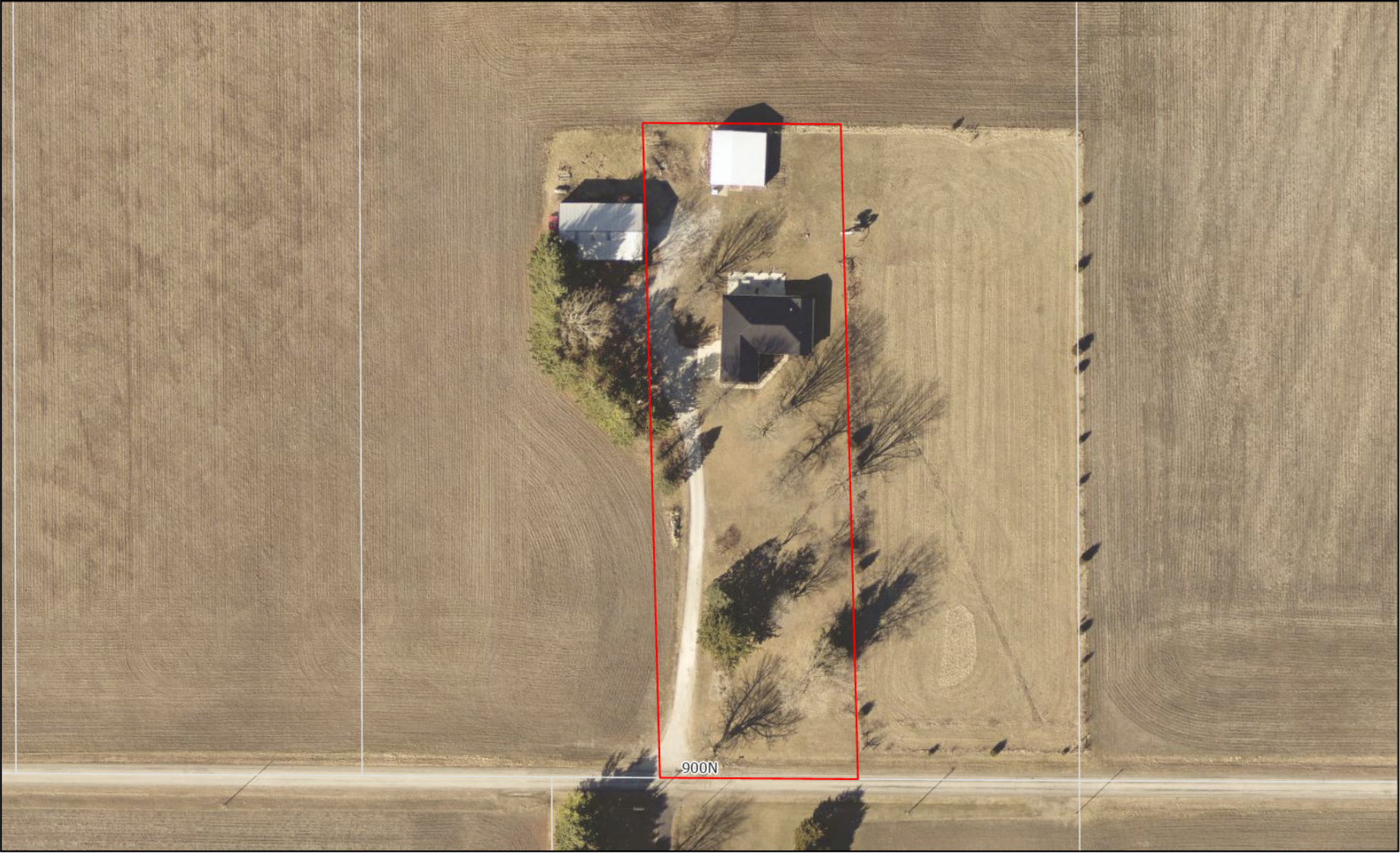


Zoning Map
Case 219-V-26
August 27, 2026



 Subject Property  AG-1 Agriculture





 Subject Property





 Subject Property



Annotated 1988 Aerial
Case 219-V-26
August 27, 2026



 Subject Property



219-V-26 Site Images



From CR 900N looking northwest toward subject property.



From CR 900N looking north toward subject property.

219-V-26 Site Images



From CR 900N looking east .



From CR 900N looking west.

PRELIMINARY DRAFT

219-V-26

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

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

Date: ***{August 27, 2026}***

Petitioner: **Ashley Daly**

Request: **Authorize the following variance in the AG-1 Agriculture Zoning District
on the subject property described below:**

**Part A: Authorize a variance for an existing lot with an average lot
width of 150 feet in lieu of the required 200 feet per Section 5.3 and of
the Zoning Ordinance.**

**Part B: Authorize a variance for an existing detached storage building
with a rear yard of 3 feet in lieu of the required 10 feet per Section 7.2.1
of the Zoning Ordinance.**

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **August 27, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Ashley Daly is the owner of the subject property at 444 CR 900N Ivesdale. The property is an existing 1.71 acre lot, in the Southeast Quarter of the Southwest Quarter of Section 14, Township 18 North, Range 7 East of the Third Principal Meridian, in Colfax Township with PIN 05-25-14-300-016, commonly known as the property with an address of 444 CR 900N Ivesdale.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is not located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Colfax Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

3. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 1.71-acre subject property is zoned AG-1 Agriculture and is in use as a single-family residence.
 - B. Land to the north, south, west and east is zoned AG-1 Agriculture. Land to the northeast and west is in agricultural production and land to the south is a single-family residence.

GENERALLY REGARDING THE PROPOSED SITE PLAN

4. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan is an aerial photo of the property and indicates the following:
 - (1) Existing structures on the property include:
 - a. One single family dwelling
 - b. One 40 ft. x 40 ft. storage shed
 - B. There have been no previous Zoning Use Permits for the property.
 - C. The requested variance includes the following:
 - (1) Authorize a variance for an existing lot with an average lot width of 150 feet in lieu of the required 200 feet per Section 5.3 and of the Zoning Ordinance.
 - (2) Authorize a variance for an existing detached storage building with a rear yard of 3 feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

5. 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) “ACCESSORY STRUCTURE” is a STRUCTURE on the same LOT within the MAIN or PRINCIPAL STRUCTURE, or the main or principal USE, either detached from or attached to the MAIN or PRINCIPAL STRUCTURE, subordinate to and USED for purposes customarily incidental to the MAIN or PRINCIPAL STRUCTURE or the main or principal USE.
 - (2) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animals, and chattels.
 - (3) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (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) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
 - (7) “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.
 - (8) “YARD, REAR” is a YARD extending the full width of a LOT and situated between the REAR LOT LINE and the nearest line of a PRINCIPAL STRUCTURE located on said LOT.
- B. The AG-1 Agriculture Zoning DISTRICT is intended to protect the areas of the COUNTY where soil and topographic conditions are best adapted to the pursuit of AGRICULTURAL USES and to prevent the admixture of urban and rural USES which would contribute to the premature termination of AGRICULTURE pursuits.
- 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.

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- b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
 - (3) Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance
- D. Regarding the proposed variance:
- (1) The minimum average lot width requirement for the AG-1 District is established in Section 5.3 of the Zoning Ordinance as 200 feet.
 - (2) The minimum REAR YARD for an accessory structure in the AG-1 District is established in Section 7.2.1.C. of the Zoning Ordinance as 10 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

- 6. 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 original building site was surveyed out resulting in a narrow lot.”**
 - B. The existing lot was part of a farmstead that existed on a larger lot in this location prior to the adoption of the Champaign County Zoning Ordinance in 1973.
 - C. A deed and plat of survey creating the subject property was recorded in 2019, which divided off the subject property from the surrounding farmland.
 - D. The property lines were drawn to keep the existing improvements including the driveway, house, storage building and trees on the subject property while minimizing the loss any tilled farmland.

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

- 7. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioners testified the following on the application: **“The adjacent land is not for sale at this date and time.”**

- B. Regarding Part A of the proposed variance: the petitioner would have to purchase additional land from surrounding landowners, but no land is for sale.
- C. Regarding Part B of the proposed variance: without the proposed variance, the existing building could not be rebuilt if it were damaged or destroyed.

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

- 8. 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: **“The original building site was all that was available at the time.”**
 - B. The lot was created to encompass the existing improvements of the farmstead while minimizing the inclusion of any farmland in production.

GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioners testified the following on the application: **“The adjacent owner does not want to take any farmland out of production.”**
 - B. Regarding Part A of the proposed Variance: for the use of an existing lot with an average lot width of 170 feet in lieu of the minimum required 200 feet: the requested variance is 85% of the minimum required, for a variance of 15%
 - C. Regarding the request for the use of an existing storage shed with a setback of 3 feet from the rear lot line: the requested setback variance is 30% of the minimum required, for a variance of 70%.
 - D. Regarding Part A of the proposed Variance: for the use of an existing lot with an average lot width of 170 feet in lieu of the minimum required 200 feet:
 - (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the AG-1 District has always required a minimum average lot width of 200 feet.
 - (2) The County reviewed the minimum lot area and minimum average lot width requirements in Case 847-AT-93. That case established the importance of accommodating onsite wastewater treatment on lots without connection to a sanitary sewer system. As amended, following Case 847-AT-93, the Ordinance requires a minimum lot area of 30,000 square feet and a minimum average width of 150 feet for any new lot (in other than the CR and AG-1 Districts) if there is no sanitary sewer and no public water supply. Further, if a connected public water supply system is available, Paragraph 4.3.4.B. only requires a minimum lot area of 20,000 square feet and a minimum average lot width of 100 feet.

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- (3) The existing lot exceeds the minimum average width required of 150 feet for lots that are not connected to public water or sewer.
- (4) The subject property currently has a well and septic tank.
- (4) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the average lot width requirement, other considerations are as follows:
 - a. Adequate light and air: the nearest building on adjacent property is over 50 feet from the existing buildings on the subject property.
 - b. Separation of structures to prevent conflagration: The subject property is within the Sadorus Fire Protection District, and the station is approximately 4.4 road miles from the subject property. The nearest structure on adjacent property is approximately 54 feet west of the storage building and 67 feet from the residence.
 - c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective
- E. Regarding Part B of the proposed Variance, for an accessory building with a rear yard of 3 feet in lieu of the minimum required 10 feet in the AG-1 Agriculture District: The Zoning Ordinance does not clearly state the considerations that underlie the side and rear yard requirements. In general, the side and rear yards are presumably intended to ensure the following:
 - (1) Adequate light and air: There is adequate separation to adjacent structures.
 - (2) Separation of structures to prevent conflagration: The subject property is within the Sadorus Fire Protection District, and the station is approximately 4.4 road miles from the subject property. The nearest structure on adjacent property is approximately 54 feet west of the storage building and 67 feet from the residence.
 - (3) Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- F. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 10. 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: **“Small farmsteads are the norm in this area of Colfax Township. Small farmsteads are mainly residential.”**
 - B. The Colfax Township Road Commissioner has been notified of this variance, and no comments have been received.

- C. The Colfax Fire Protection District has been notified of this variance, and no comments have been received.
- D. The Sadorus Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 11. Generally regarding any other circumstances which justify the Variance:
 - A. The Petitioners did not provide a response.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 12. Regarding proposed special conditions of approval:
 - A. **A Zoning Use Permit Application and applicable fees for the existing residence shall be applied for within 30 days of the approval of Case 219-V-26.**

The special condition stated above is required to ensure the following:
Conformance with the Champaign County Zoning Ordinance.

DOCUMENTS OF RECORD

- 1. Application for Variance received July 21, 2026, with attachments:
 - A Aerial photo showing existing improvements
 - B Quit Claim Deed with Plat of Survey recorded with the Champaign County Recorder of Deeds as document # 2019R02474
- 2. Preliminary Memorandum dated August 20, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B 2026 Annotated Aerial Photo showing existing property
 - C 1973 and 1988 Aerial Photos
 - D Site Images
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 219-V-26 dated August 27, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **219-V-26** held on **August 27, 2026**, 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 existing lot was part of a farmstead that existed on a larger lot in this location prior to the adoption of the Champaign County Zoning Ordinance in 1973.*
 - b. *The property lines were drawn to keep the existing improvements including the driveway, house, storage building and trees on the subject property while minimizing the loss of any tilled farmland.*
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. *Regarding variance Part A: without the proposed variance, a permit could not be approved to rebuild the house or storage building if they were to be damaged or destroyed.*
 - b. *Regarding variance Part B: without the proposed variance the existing storage building could not be rebuilt if it were to be damaged or destroyed.*
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. *The lot was created to encompass the existing improvements of the farmstead while minimizing the inclusion of any farmland in production.*
4. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. *There is sufficient area onsite to accommodate the existing septic system.*
 - b. *There is adequate separation to structures on adjacent property.*
 - c. *The amount of farmland taken out of production was minimized.*
5. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. *Relevant jurisdictions and neighboring landowners have been notified of this case, and no comments have been received.*
6. The requested variance **{SUBJECT TO THE PROPOSED CONDITIONS} {IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
 - a. *The requested variance is the minimum variance required to keep the existing improvements on the subject property and minimize the amount of farmland taken out of production.*

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***

- A. **A Zoning Use Permit Application and applicable fees for the existing residence shall be applied for within 30 days of the approval of Case 219-V-26.**

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

Conformance with the Champaign County Zoning Ordinance.

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 219-V-26 is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioner, **Ashley Daly**, to authorize the following variance:

Part A: Authorize a variance for an existing lot with an average lot width of 150 feet in lieu of the required 200 feet per Section 5.3 and of the Zoning Ordinance.

Part B: Authorize a variance for an existing detached storage building with a rear yard of 3 feet in lieu of the required 10 feet per Section 7.2.1 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **A Zoning Use Permit Application and applicable fees for the existing residence shall be applied for within 30 days of the approval of Case 219-V-26.**

The special condition stated above is required to ensure the following:
Conformance with the Champaign County Zoning Ordinance.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date