

CASE NO. 861-V-16

PRELIMINARY MEMORANDUM

January 19, 2017

Petitioner: **Richard and Elizabeth Riddle**

Request: **Authorize the following Variance in the AG-1 Agriculture Zoning District:**

Part A: Variance for an existing non-conforming dwelling with a setback of 47 feet in lieu of 55 feet from the street centerline of CR 2600E as per Section 5.3 of the Zoning Ordinance; and

Part B: Variance for a lot area of 37,750 square feet (0.867 acre) in lieu of the minimum required 1 acre, as per Section 5.3 of the Zoning Ordinance.

Subject Property: **A 0.867-acre tract in the West Half of the Northwest Quarter of Section 5, Township 19 North, Range 14 West of the Second Principal Meridian in Ogden Township, and commonly known as the residence at 1776 CR 2600E, Ogden.**

Site Area: **37,750 square feet (0.867 acre)**

Time Schedule for Development: **As Soon as Possible**

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

BACKGROUND

The petitioner would like to construct an addition to a residence built in 1925 on a lot under contract for purchase by the petitioner. The lot was created without meeting the 1 acre minimum lot area requirement established in the Zoning Ordinance, so a variance is necessary. ZUPA #287-16-01 for construction of the addition was approved on November 16, 2016, subject to the applicant's agreement to abide by any reasonable finding of the Zoning Board of Appeals for variance case 861-V-16.

Regarding Part A of the proposed variance, the non-conforming dwelling was constructed 47 feet from street centerline, less than the minimum 55 feet required by the Zoning Ordinance. Due to its non-conforming status, if the house is ever destroyed to an extent of greater than 50%, it would not be permitted to be reconstructed with the nonconforming setback. Approval of the variance will allow reconstruction with the reduced 47 feet setback.

Regarding Part B of the proposed variance, the 1-acre lot was created in 1985, but the Zoning Ordinance requires the lot area to be at least 1 acre excluding public street right-of-way. The 1 acre lot was created including the right-of-way, so for zoning purposes, the lot is actually 0.867 acre (37,750 square feet).

EXTRATERRITORIAL JURISDICTION

The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Ogden, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases. Note that the 1-acre lot was created prior to adoption of the Ogden Comprehensive Plan.

The subject property is located within Ogden Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified 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
South	Agriculture	AG-1 Agriculture
East	Agriculture	AG-1 Agriculture
West	Single Family Residence	AG-1 Agriculture

SUBJECT PROPERTY OWNERSHIP AND PROPERTY LINES

Petitioners Richard and Elizabeth Riddle are purchasing the subject property on contract from owner Kenneth Brown. Mr. Brown has also signed the variance application. Mr. Brown also owns the land surrounding the subject property.

The 1-acre tract's legal description differs from the geographic features of the subject property. The petitioner stated on the application that they were told by the owner that all the grassed area was within the subject property. The legal description, however, shows the 1-acre tract shifted approximately 75 feet south, such that part of the grassed area on the north side of the house is outside the 1-acre tract.

The petitioner told staff that he asked the owner if he could purchase more land, in order to create a proper 1-acre good zoning lot that would officially verify where the property lines are. The owner denied this request. The petitioner is working with an attorney to verify where the property lines actually are. The variances are still needed, independent of the outcome of this verification.

PROPOSED SPECIAL CONDITION

The following special condition is proposed for the variance:

- A. Within 30 days of Final Action of Case 861-V-16, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) A variance was granted in Zoning Case 861-V-16 to authorize a lot less than one acre in area.**

- (2) **Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
- (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
- (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

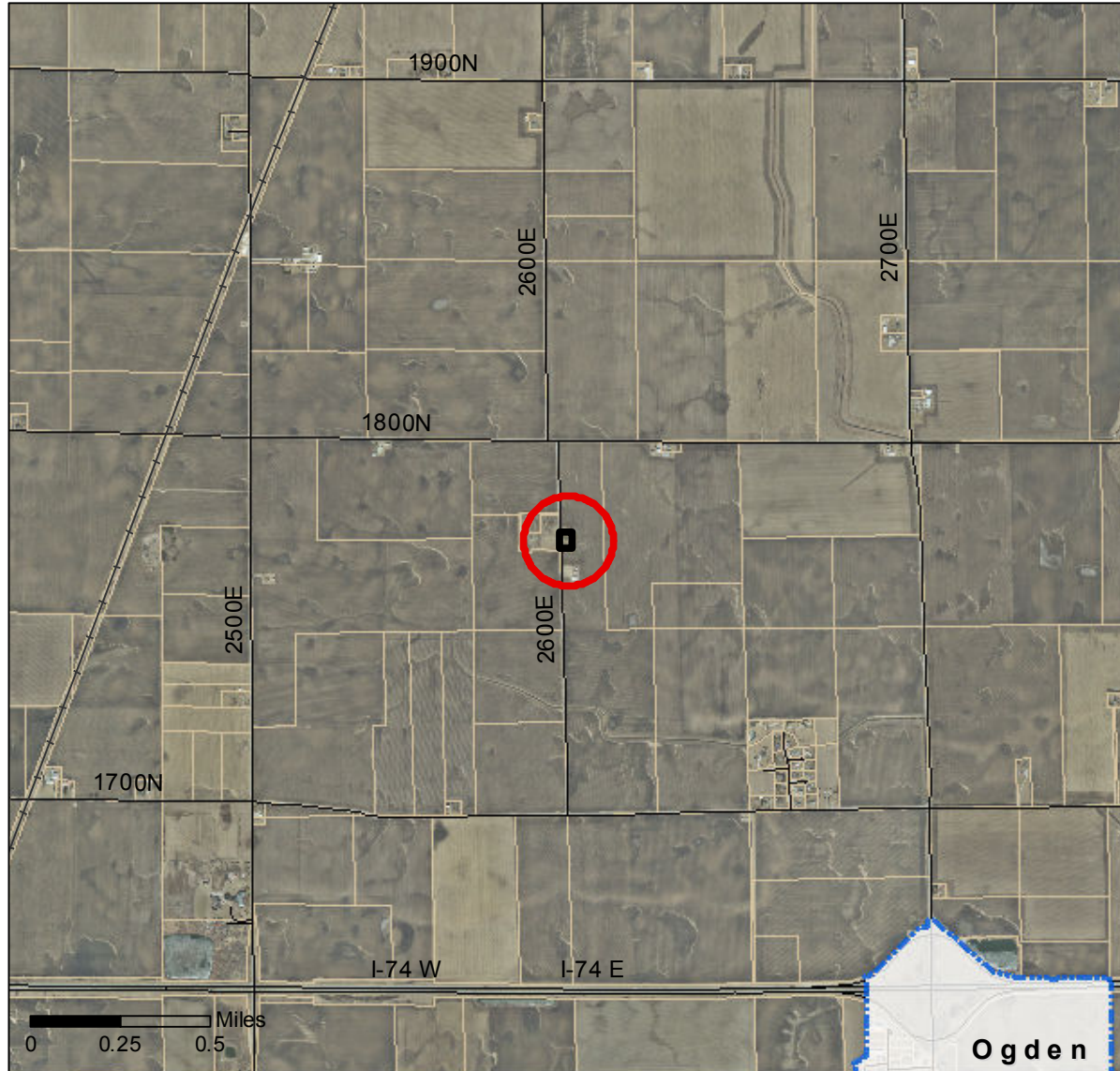
ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan for ZUPA 287-16-01 approved November 16, 2016
- C 2014 aerial
- D Images of Subject Property taken January 9, 2017
- E Draft Summary of Evidence, Finding of Fact, and Final Determination dated January 26, 2017

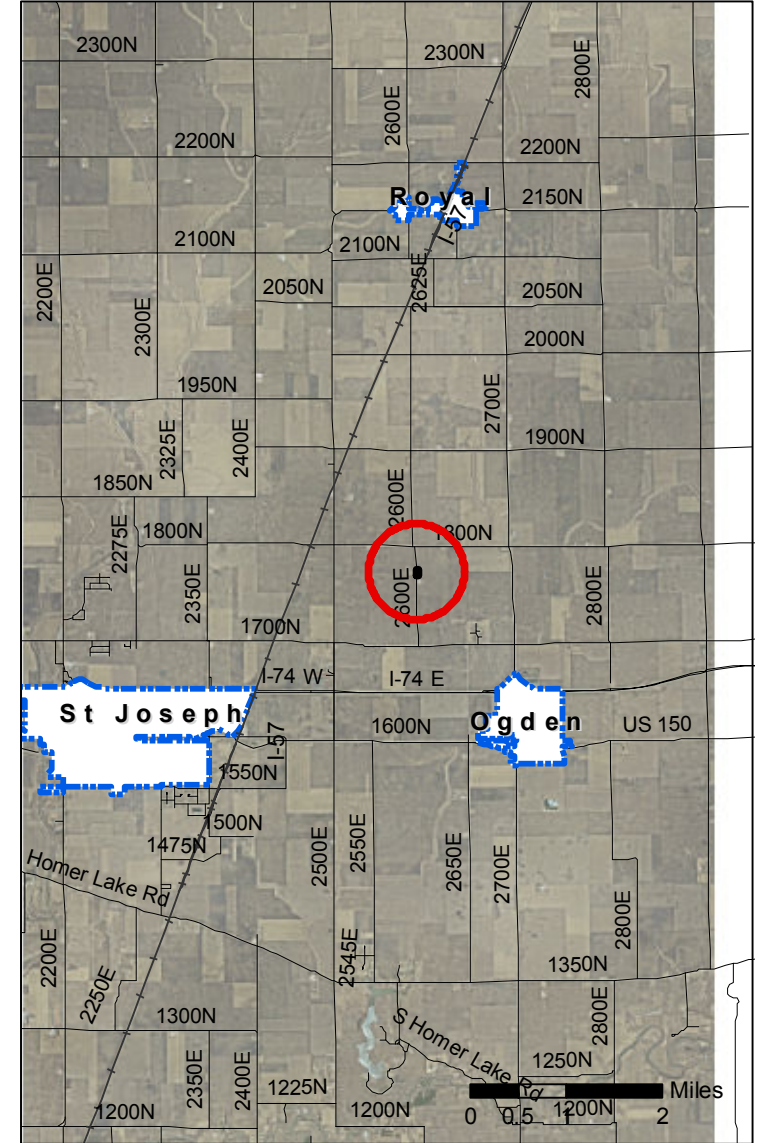
Location Map

Case 861-V-16
January 26, 2017





Subject Property



Property location in Champaign County



Legend

-  Subject property
-  Municipal Boundary
-  Streets
-  Parcels



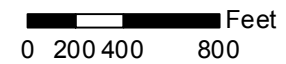
Land Use Map

Case 861-V-16
January 26, 2017



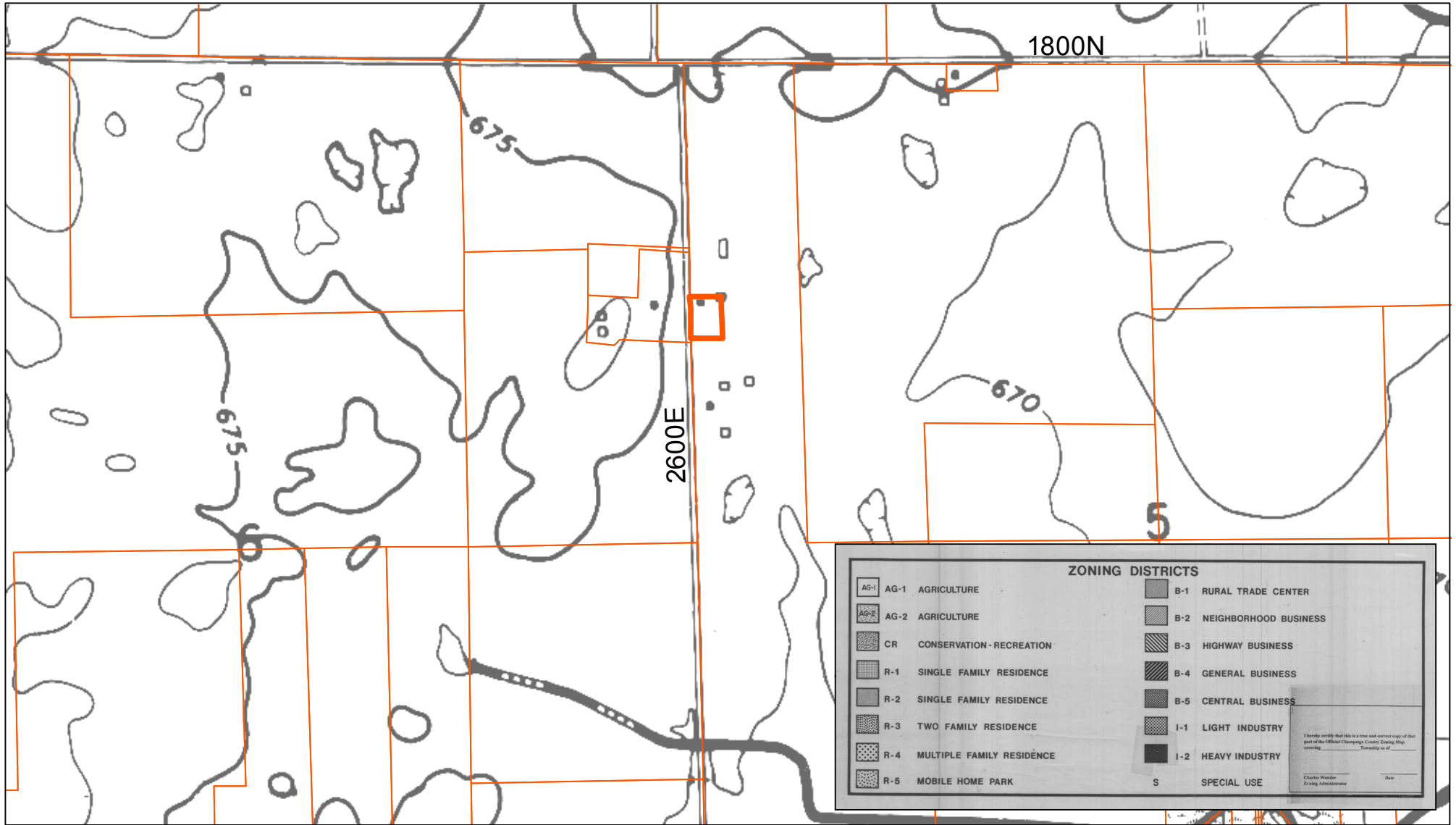
Legend

-  Subject property
-  Parcels





Zoning Map

Case 861-V-16
January 26, 2017



Legend

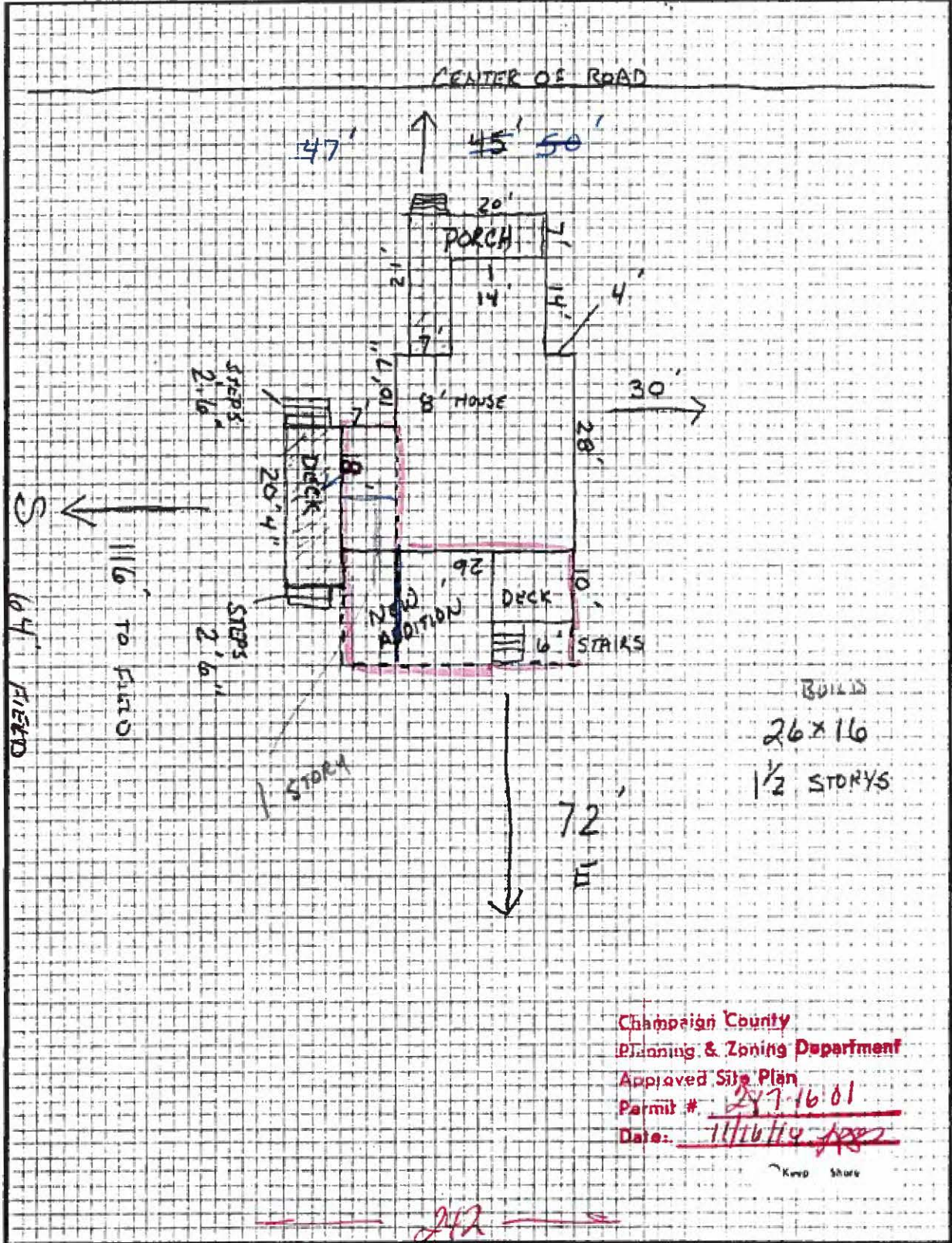
-  Subject property
-  Parcels

0 200 400 800 Feet



W

RIDDLE



area of new addition

RECEIVED

OCT 31 2016

CHAMPAIGN CO. P & Z DEPARTMENT



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



861-V-16 Site Images



Subject property from south facing north-northeast



From CR 2600E facing east (front of house)
Note small red shed on right of house, to be demolished

861-V-16 Site Images



From CR 2600E facing east (yard to north of house)



From in front of house on CR 2600E facing north

PRELIMINARY DRAFT

861-V-16

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

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{January 26, 2017}*

Petitioner: Richard and Elizabeth Riddle

Request: Authorize the following Variance in the AG-1 Agriculture Zoning District:

Part A: Variance for an existing non-conforming dwelling with a setback of 47 feet in lieu of 55 feet from the street centerline of CR 2600E as per Section 5.3 of the Zoning Ordinance; and

Part B: Variance for a lot area of 37,750 square feet (0.867 acre) in lieu of the minimum required 1 acre, as per Section 5.3 of the Zoning Ordinance.

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **January 26, 2017**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Richard and Elizabeth Riddle are purchasing the subject property on contract from owner Kenneth Brown. Mr. Brown has also signed the variance application.
2. The subject property is a 0.867-acre tract in the West Half of the Northwest Quarter of Section 5, Township 19 North, Range 14 West of the Second Principal Meridian in Ogden Township, and commonly known as the residence at 1776 CR 2600E, Ogden.
 - A. The 1-acre tract's legal description differs from the geographic features of the subject property. The petitioner stated on the application that they were told by the owner that all the grassed area was within the subject property. The legal description, however, shows the 1-acre tract shifted approximately 75 feet south such that part of the grassed area on the north side of the house is outside the 1-acre tract.
 - B. The petitioner told staff that he asked the owner if he could purchase more land, in order to create a proper 1-acre good zoning lot that would officially verify where the property lines are. The owner denied this request. The petitioner is working with an attorney to verify where the property lines actually are. The variances are still needed, independent of the outcome of this verification.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is within the one and one-half mile extraterritorial jurisdiction (ETJ) of the Village of Ogden, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - (1) The 1-acre lot was created prior to adoption of the Ogden Comprehensive Plan.
 - B. The subject property is located within Ogden Township, which does not have a Plan Commission. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The subject property is a 37,750 square feet (0.867 acre) lot and is currently zoned AG-1 Agriculture. Land use is a single family residence.
 - B. Land to the north, east, and south is zoned AG-1 Agriculture and is in agricultural production.
 - C. Land to the west is zoned AG-1 Agriculture and is residential in use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The Petitioner's Site Plan, received October 31, 2016, and approved for ZUPA 287-16-01 on November 16, 2016, indicates the following:
 - (1) Existing features on the subject property are:

PRELIMINARY DRAFT**Case 861-V-16**

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- a. One residence, approximately 1,500 square feet; and
 - b. A detached shed (to be demolished).
- (2) Proposed construction consists of an addition to the residence.
- B. There are no previous Zoning Use Permits, but there is one current Zoning Use Permit for the subject property:
- (1) ZUPA 287-16-01 is for construction of an addition to the residence. It was approved on November 16, 2016, subject to the applicant's agreement to abide by any reasonable finding of the Zoning Board of Appeals on variance case 861-V-16.
- C. There are no prior Zoning Cases for the subject property or surrounding properties.
- D. The required variance is as follows:
- (1) Part A: Variance for an existing non-conforming dwelling with a setback of 47 feet in lieu of 55 feet from the street centerline of CR 2600E as per Section 5.3 of the Zoning Ordinance.
 - (2) Part B: Variance for a lot area of 37,750 square feet (0.867 acre) in lieu of the minimum required 1 acre, as per Section 5.3 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding authorization for the proposed variance:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Variance (capitalized words are defined in the Ordinance):
- (1) "ALTERATION" is any change in the bearing walls, columns, beams, girders, or supporting members of a STRUCTURE, any change or rearrangement in the floor area of a BUILDING, any enlargement of a STRUCTURE whether by extending horizontally or by increasing in HEIGHT, and/or any movement of a STRUCTURE from one location or position to another.
 - (2) "AREA, LOT" is the total area within the LOT LINES.
 - (3) "DWELLING" is a BUILDING or MANUFACTURED HOME designated for non-transient residential living purposes and containing one or more DWELLING UNITS and/or LODGING UNITS.
 - (4) "FRONTAGE" is that portion of a LOT abutting a STREET or ALLEY.
 - (5) "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.
 - (6) "LOT LINE, FRONT" is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.

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- (7) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
- (8) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
- (9) “SETBACK LINE” is the BUILDING RESTRICTION LINE nearest the front of and across a LOT establishing the minimum distance to be provided between a line of a STRUCTURE located on said LOT and the nearest STREET RIGHT-OF-WAY line.
- (10) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
- (11) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a place, a road, a thoroughfare, or by other appropriate names. STREETS are identified on the Official Zoning Map according to type of USE, and generally as follows:
- (a) MAJOR STREET: Federal or State highways.
 - (b) COLLECTOR STREET: COUNTY highways and urban arterial STREETS.
 - (c) MINOR STREET: Township roads and other local roads.
- (12) “USE” is the specific purpose for which land, a STRUCTURE or PREMISES, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted USE” or its equivalent shall not be deemed to include any NONCONFORMING USE.
- (13) “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.
- (14) “YARD” is an OPEN SPACE, other than a COURT, of uniform width or depth on the same LOT with a STRUCTURE, lying between the STRUCTURE and the nearest LOT LINE and which is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- B. The AG-1, Agriculture 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:

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- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Regarding Part A of the proposed variance, minimum setback from the centerline of a minor street is established in Section 4.3.2 of the Zoning Ordinance as 55 feet.
- E. Regarding Part B of the proposed variance, minimum lot size in the AG-1 Agriculture District is established in Section 5.3 of the Zoning Ordinance as 1 acre.
- (1) Footnote 1 to Section 4.3.4 Table of Minimum Lot Dimensions states, LOT AREA calculations shall exclude any LOT AREA lying within an easement of access.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
 - A. The Petitioner has testified on the application, **“We assumed and were told by the previous owner that the grassy area was the one-acre property boundary. We did not know that the one acre could not include the road right-of-way.”**
 - B. Regarding Part A of the proposed variance, for a setback of 47 feet in lieu of 55 feet from the street centerline:
 - (1) The residence was constructed prior to adoption of the Zoning Ordinance on October 10, 1973.
 - C. Regarding Part B of the proposed variance, for a lot size less than the 1 acre required minimum:
 - (1) When the 1-acre subject property lot was created, the public street right-of-way was included in the calculation, which should have been excluded for zoning purposes.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
 - A. The Petitioner has testified on the application, **“We cannot build the addition unless the variance is approved.”**
 - B. Regarding Part A of the proposed variance, for a minimum setback from the centerline of a minor street of 47 feet in lieu of 55 feet: without the proposed variance, the addition approved under ZUPA 287-16-01 could be constructed; however, the nonconforming portion of the house could not be reconstructed if damaged.
 - C. Regarding Part B of the proposed variance, for a minimum lot size of 0.867 acre in lieu of 1 acre: without the proposed variance, the lot would continue to be an illegal lot, which would not allow the proposed addition to be constructed, nor would it allow the existing dwelling to be reconstructed if necessary.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioner has testified on the application, **“No, three previous owners did not know.”**
 - B. The Petitioner is under contract to purchase the property and has never owned the property.
 - C. The residence was built prior to adoption of the Zoning Ordinance on October 10, 1973.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioner has testified on the application, **“Single family homes are allowed.”**
 - B. Regarding Part A of the proposed variance, for a minimum setback from the centerline of a minor street of 47 feet in lieu of 55 feet: the requested variance is 85% of the minimum required, for a variance of 15%.
 - C. Regarding Part B of the proposed variance, for a minimum lot size of 0.867 acre in lieu of 1 acre: the requested variance is 87% of the minimum required, for a variance of 13%.
 - D. Regarding Part A of the proposed variance, the Zoning Ordinance does not clearly state the considerations that underlie the minimum setback requirements. Presumably the setback from street centerline is intended to ensure the following:
 - (1) Adequate separation from roads.

PRELIMINARY DRAFT

- (2) Allow adequate area for road expansion and right-of-way acquisition.
 - a. The road has an oil and chip surface that is approximately 13 feet wide. There are no gravel shoulders, but the grass ditches on either side are shallow and wide.
 - b. CR 2600E is approximately 3.5 miles long, extending between CR 1700N and CR 2050N. Development is minimal in this area, with only 4 driveways in the 3.5 mile stretch surrounded by agriculture. IDOT has no traffic counts available for this road.
 - (3) Parking, where applicable.
- E. Regarding Part B of the proposed variance, the following are considerations that underlie the minimum lot area requirement:
- (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the AG-1 District has always required a minimum lot area of one acre and 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 Part D. 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 minimum lot area and a minimum average width of 150 feet for lots created after 9/1/93 created in zoning districts other than AG-1 and CR, if there is no sanitary sewer and no public water supply.
 - (3) In regards to accommodating onsite wastewater treatment and disposal, in a phone conversation with Susan Burgstrom on January 9, 2017, the petitioner indicated the following:
 - a. The septic field is east of the house; the petitioner does not know the size or exact location of the septic field.
 - b. He had the septic tank pumped a couple of months ago; he stated that the service provider said the system is in working order.
 - c. A special condition has been proposed so that potential buyers of the property will be aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.
 - (4) Adequate light and air: The subject property has an existing single family home and a detached garage. It is surrounded on 3 sides by agricultural land, and one other single family residence on the west side.
 - (5) Separation of structures to prevent conflagration: Structures in the rural zoning districts are generally located farther from fire protection stations than structures in the urban districts and the level of fire protection service is generally somewhat lower given the slower response time. The subject property is within the Ogden/Royal Fire Protection District and the Ogden station is approximately 2.7 road miles from the subject property.

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- (6) Aesthetics may also play a part in the minimum lot area requirement.

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

11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
- A. The Petitioner has testified on the application: **“Surrounded by farmland.”**
 - B. The Township Road Commissioner has been notified of this variance but no comments have been received.
 - C. The Ogden-Royal Fire Protection District has been notified of this variance but no comments have been received.
 - D. The nearest structure on adjacent property to the proposed garage is an accessory structure across the road, about 275 feet away.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

12. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioner has testified on the application: **“We are trying to resurrect this old house.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

13. Regarding proposed special conditions of approval:
- A. **Within 30 days of Final Action of Case 861-V-16, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **A variance was granted in Zoning Case 861-V-16 to authorize a lot less than one acre in area.**
 - (2) **Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

DOCUMENTS OF RECORD

1. Variance Application received October 27, 2016
2. Site Plan for ZUPA 287-16-01 approved November 16, 2016
3. Case file for ZUPA 287-16-01
4. Preliminary Memorandum dated January 19, 2017, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan for ZUPA 287-16-01 approved November 16, 2016
 - C 2014 aerial
 - D Images of Subject Property taken January 9, 2017
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination dated January 26, 2017

PRELIMINARY DRAFT

FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **861-V-16** held on **January 26, 2017**, 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:
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:
3. The special conditions, circumstances, hardships, or practical difficulties *{DO / DO NOT}* result from actions of the applicant because:
4. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
5. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{WILL / WILL NOT}* be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
6. The requested variance *{SUBJECT TO THE PROPOSED CONDITION}* *{IS / IS NOT}* the minimum variation that will make possible the reasonable use of the land/structure because:
7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **Within 30 days of Final Action of Case 861-V-16, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) **A variance was granted in Zoning Case 861-V-16 to authorize a lot less than one acre in area.**
 - (2) **Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) **Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) **For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

That potential buyers of the property are aware of how the lot was created and the possible limitations regarding the replacement of wastewater systems on the property.

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 **861-V-16** are hereby *{GRANTED / GRANTED WITH CONDITIONS / DENIED}* to the petitioners, **Richard and Elizabeth Riddle**, to authorize the following variance in the AG-1 Agriculture Zoning District:

Part A: Variance for an existing non-conforming dwelling with a setback of 47 feet in lieu of 55 feet from the street centerline of CR 2600E as per Section 5.3 of the Zoning Ordinance; and

Part B: Variance for a lot area of 37,750 square feet (0.867 acre) in lieu of the minimum required 1 acre, as per Section 5.3 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. Within 30 days of Final Action of Case 861-V-16, the petitioners shall file a miscellaneous document with the Champaign County Recorder of Deeds that documents the following:**
 - (1) A variance was granted in Zoning Case 861-V-16 to authorize a lot less than one acre in area.**
 - (2) Because of the size of the lot, there are concerns whether a replacement wastewater (septic) system can be installed on the lot in the future.**
 - (3) Any new wastewater (septic) system will need to be authorized by the Champaign County Health Department.**
 - (4) For further information interested parties should contact the Champaign County Department of Planning and Zoning.**

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

SIGNED:

ATTEST:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date