

CASE NO. 143-V-24

PRELIMINARY MEMORANDUM

July 17, 2024

Petitioner: Dawn Good-Adwell

Request: Authorize a variance for an existing 3.91-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Subject Property: Part of the Northeast quarter of the northwest quarter of Section 20, Township 22 North, Range 9 East of the Third Principal Meridian, in Ludlow Township, with an address of 1339 CR 3300N, Rantoul.

Site Area: 3.91 acres

Time Schedule for Development: In progress

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

BACKGROUND

The petitioners own a 3.91-acre tract that currently contains a single-family residence, a machine shed, a corn crib and chicken coop and previously contained a barn that was demolished after 2020.

The petitioner submitted a Zoning Use Permit Application for the construction of a detached garage on the property in May of 2024. The petitioner was informed that the existing lot required a variance to the 3-acre maximum lot size for properties on best prime farmland. The petitioner submitted an Application for Variance on June 14, of 2024. The Zoning Use Permit was approved on June 14, 2024 with the condition that the petitioner abide by any reasonable requirement of the Zoning Board of Appeals regarding the maximum lot size variance.

The farmstead that currently exists on the property was previously a part of the surrounding 36-acre farm. The current 3.91-acre lot was split off in 2008 after the maximum lot size regulation was adopted in 2004.

The petitioner has not proposed to take any land out of agricultural production. A soils map can be found in Attachment D.

The P&Z Department has not received any comments regarding the proposed variance, and staff does not propose any special conditions of approval.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

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

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within Ludlow Township, which does not have a Plan Commission.

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

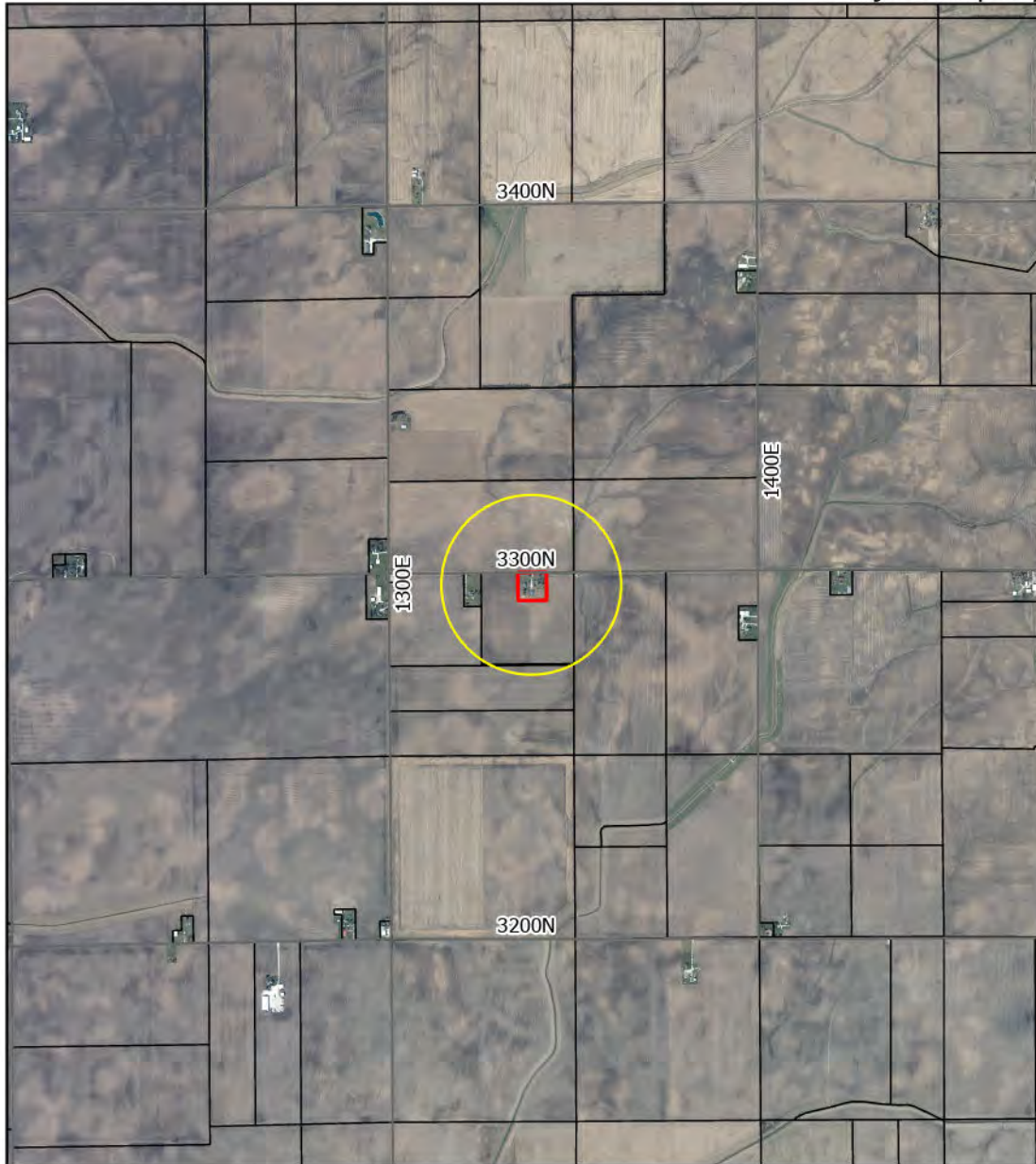
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan approved June 14, 2024
- C Aerial Photo Site Plan received June 14, 2024
- D 2023 Annotated Aerial Photo/Site Plan
- E 1973 Aerial Photo
- F Soils Map
- G Site Images taken July 16, 2024
- H Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 143-V-24 dated July 25, 2024


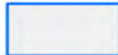
Location Map

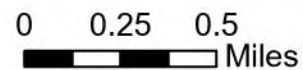
Case 143-V-24

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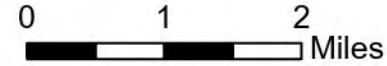
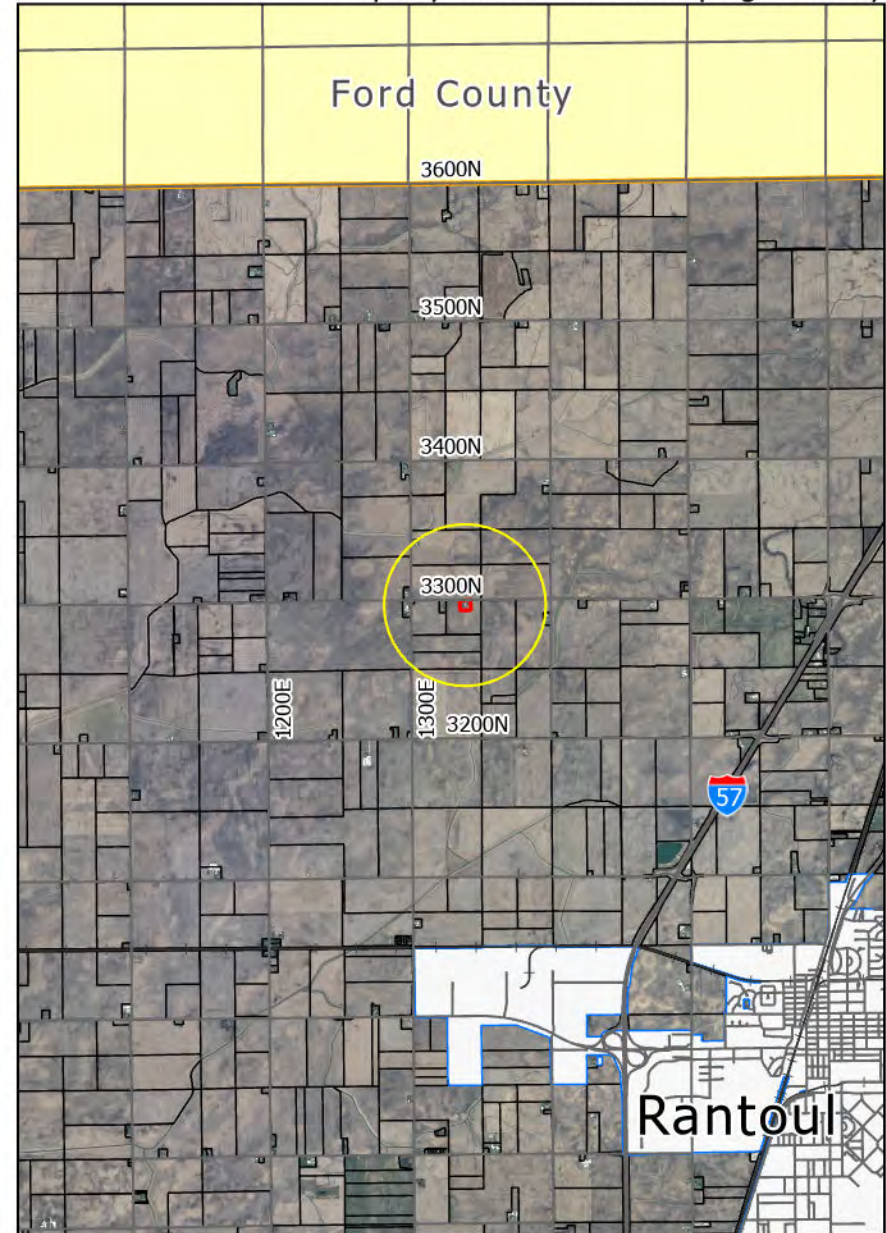
Subject Property



-  Subject Property
-  Municipal Boundary



Property Location in Champaign County



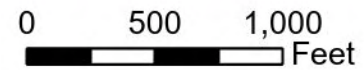
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Land Use Map

Case 143-V-24

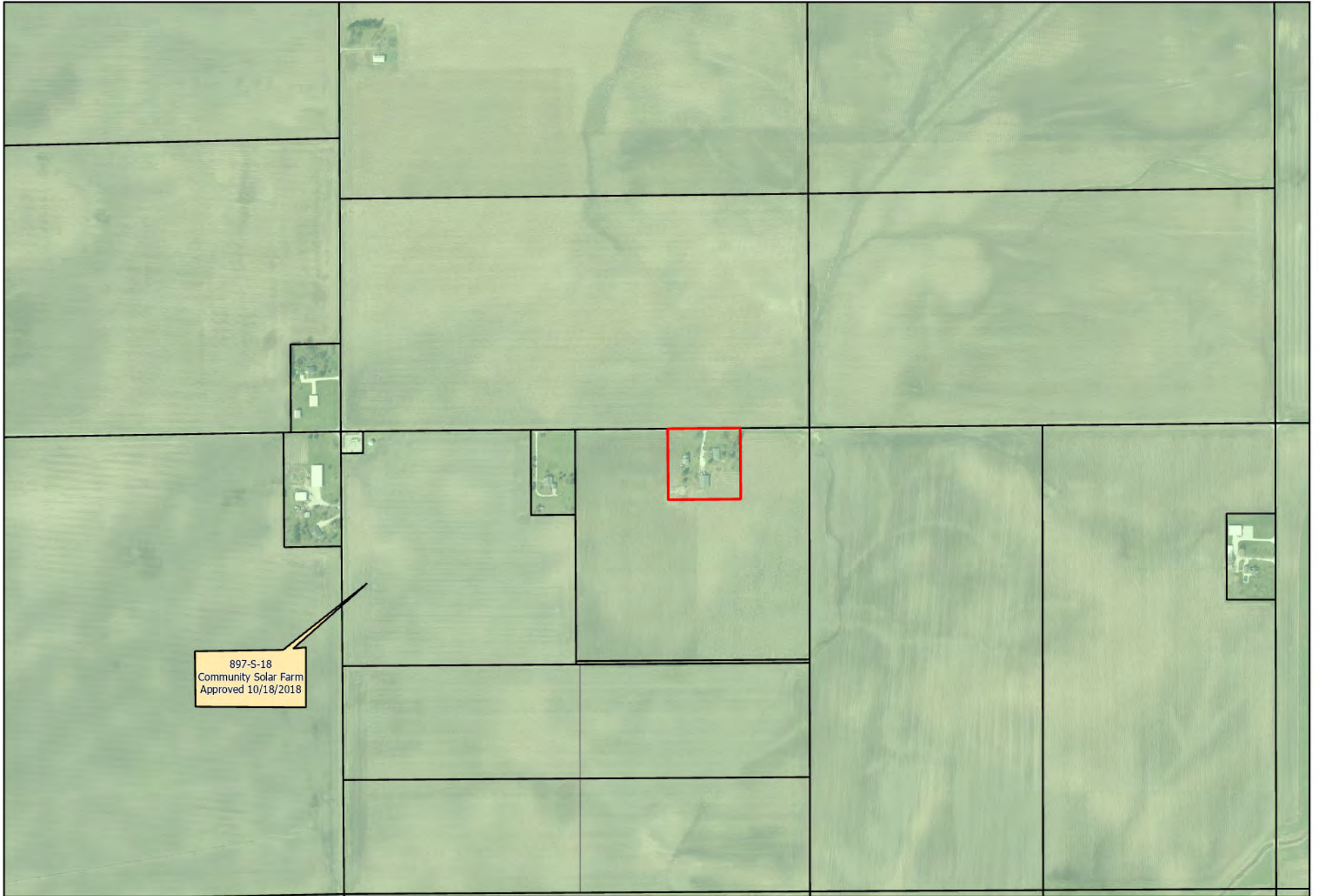
July 25, 2024



Zoning Map

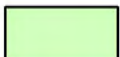
Case 143-V-24

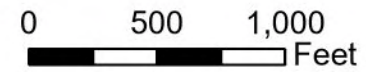
July 25, 2024



897-S-18
Community Solar Farm
Approved 10/18/2018

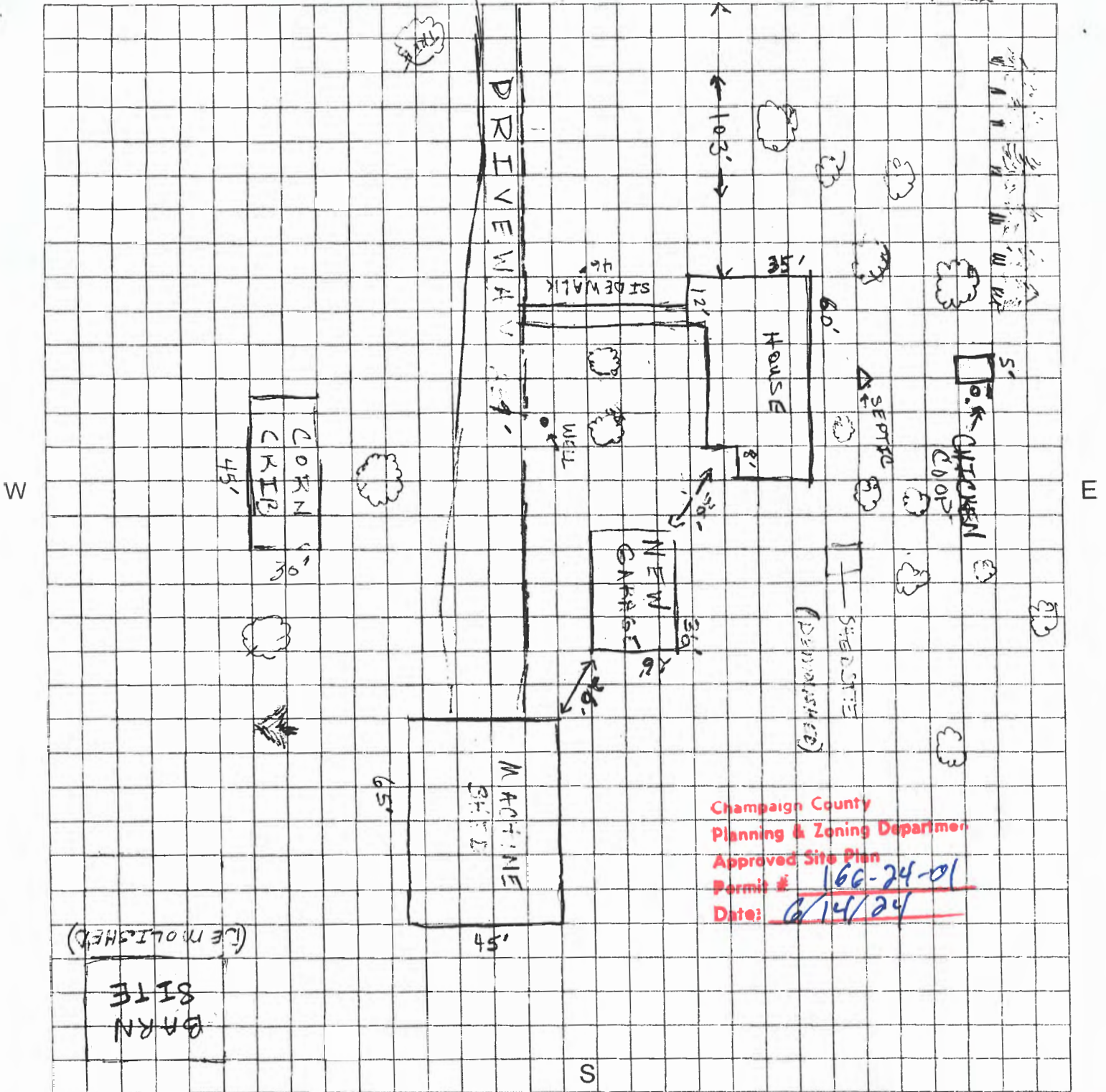
 Subject Property

 AG-1 Agriculture



1339 Co. Rd. 3300N

TREES =



Champaign County
 Planning & Zoning Department
 Approved Site Plan
 Permit # 166-24-01
 Date: 6/14/24

Check which applies: Date Received: North Arrow: Approval (Office Use Only):

- Site Plan
- Erosion & Sediment. Control Plan
- Other: _____

Permit Application No. _____

Applicant Name:

Dawn Good

Tax Parcel Map; 1:100



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

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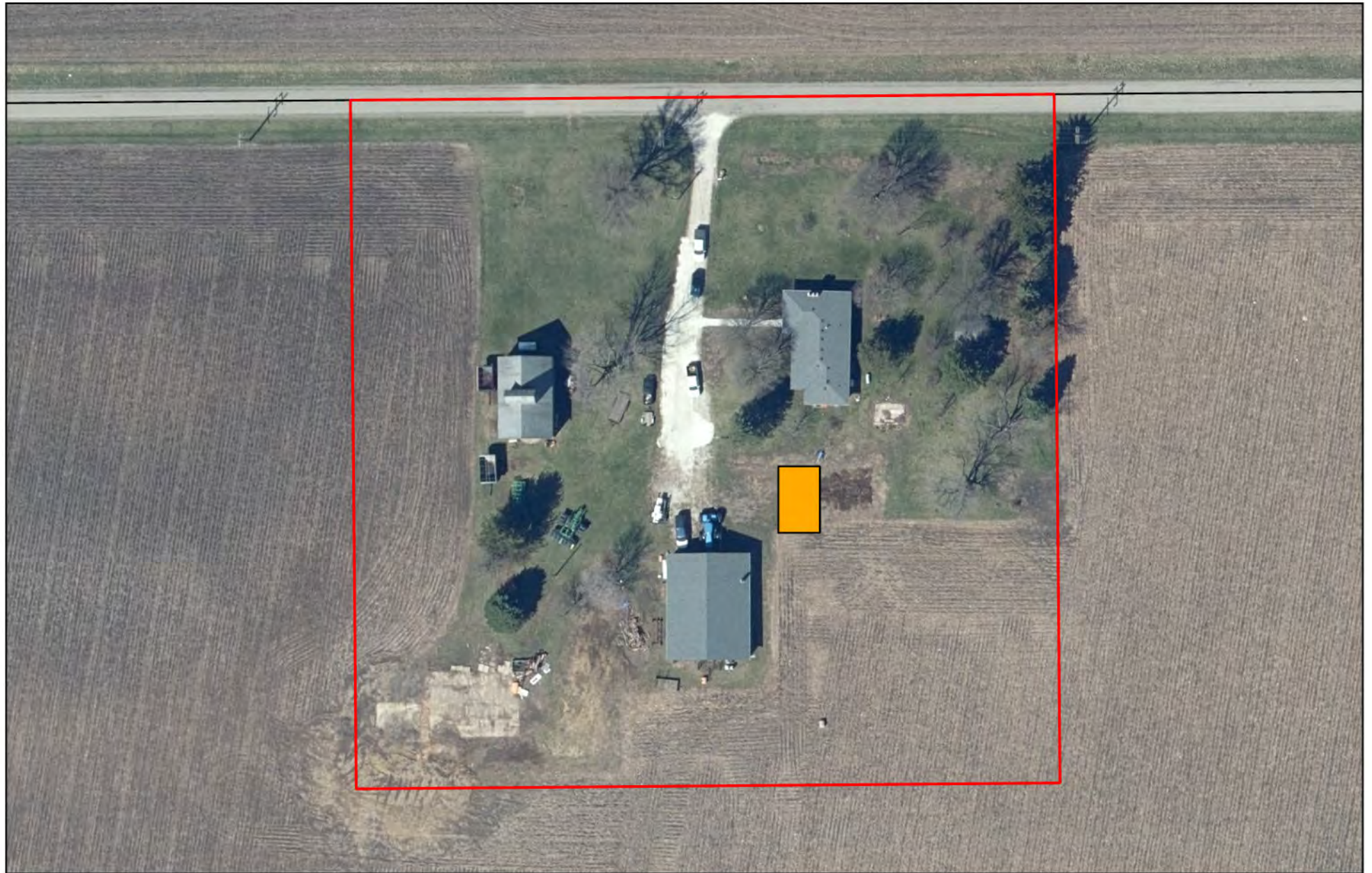
80
ft



Annotated 2023 Aerial & Site Plan

Case 143-V-24

July 25, 2024



 Subject Property

 Proposed Garage

0 50 100 Feet




Annotated 1973 Aerial


Case 143-V-24

July 25, 2024



 Subject Property

0 50 100 Feet



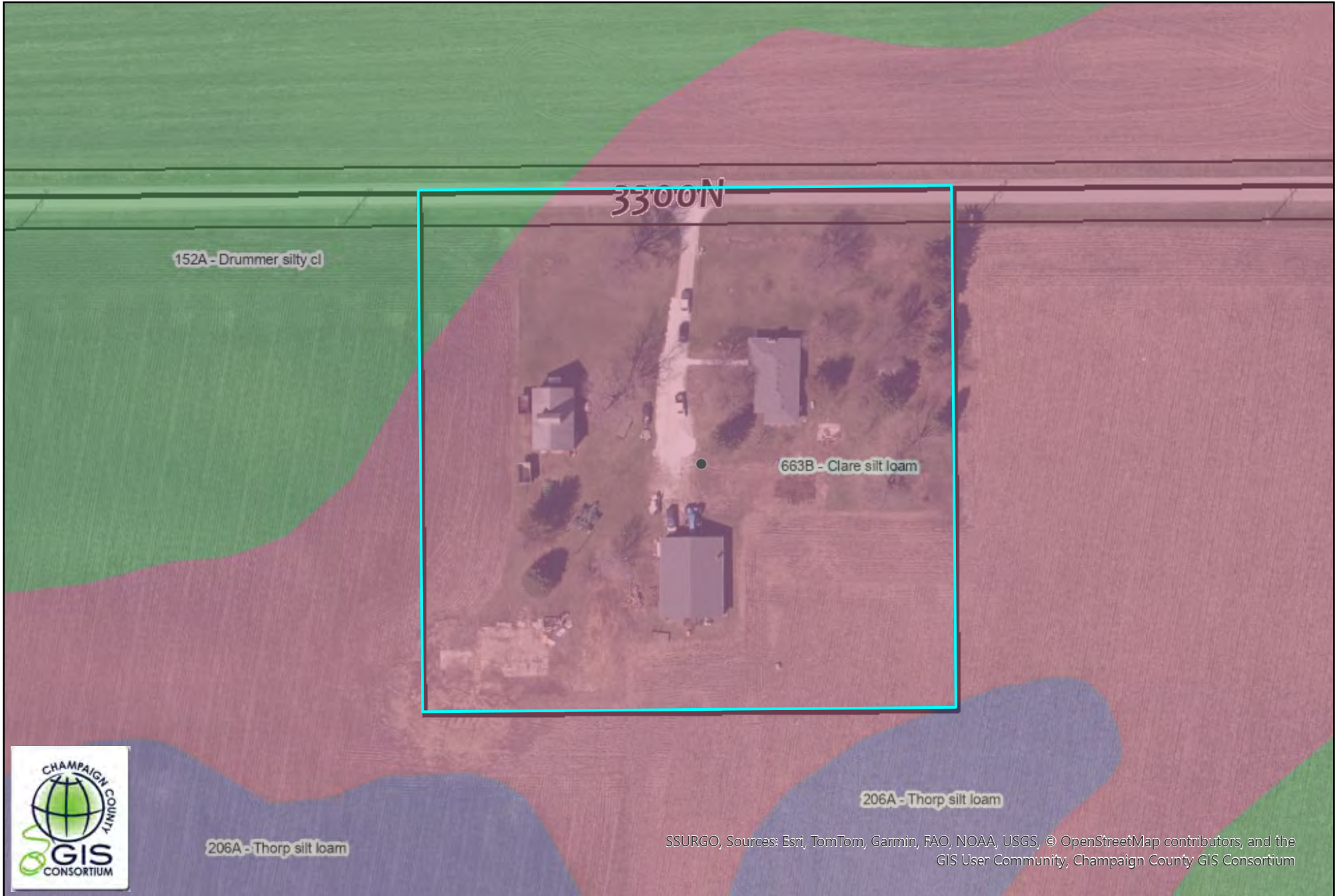
Soils Map

Case 143-V-24

July 25, 2024

2023 Aerial

Case 143-V-24, ZBA 7/25/24, Attachment F Page 1 of 1



SSURGO, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Champaign County GIS Consortium

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Date: Monday, July 8, 2024

143-V-24 Site Images



Facing W along 3300N toward the nearest residence



Facing E along 3300N

143-V-24 Site Images



From 3300N facing s toward SW corner of Subject Property



From 3300N facing SE toward Subject Property

PRELIMINARY DRAFT

143-V-24

**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: ***{July 25, 2024}***

Petitioner: **Dawn Good-Adwell**

Request: **Authorize a variance for an existing 3.91-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.**

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PRELIMINARY DRAFT

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **July 25, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioner Dawn Good-Adwell, 1339 County Road 3300N, Rantoul, IL, owns the 3.91-acre lot with an address of 1339 CR 3300N, Rantoul, in the Northeast quarter of the northwest quarter of Section 20, Township 22 North, Range 9 East of the Third Principal Meridian, in Ludlow Township.
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 Ludlow 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 existing 3.91-acre subject property is zoned AG-1 Agriculture and contains a single-family residence and multiple agricultural structures when the petitioner purchased the property in 2004. The existing 3.91-acre lot was split off from the surrounding farmland in 2008. The property lines were laid out in their current configuration in order to keep all the existing structures and grass area on a single lot. The subject property continues to be used for residential and agricultural purposes.
 - B. Land surrounding the subject property is also zoned AG-1 Agriculture and is in agricultural production. There is one 2.86-acre property to the west that is zoned AG-1 Agriculture and is in residential use.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the Annotated Aerial/Site Plan for the subject property:
 - A. The Site Plan received as part of Zoning Use Permit 166-24-01, for a proposed new detached garage on the subject property indicates the following:
 - (1) Existing structures on the property include:
 - a. A single-family residence
 - b. A machine shed
 - c. A corn crib
 - d. A chicken coop
 - (2) The petitioner is proposing to construct a 26 foot by 36 foot (936 square foot) detached garage on the property.
 - B. The existing home and agricultural buildings on the property were constructed prior to the adoption of the Champaign County Zoning Ordinance on October 10, 1973.

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- C. The petitioner submitted a Zoning Use Permit Application for the construction of a detached garage on the property in May of 2024. The petitioner was informed that the existing lot required a variance to the 3-acre maximum lot size for properties on best prime farmland. The petitioner submitted an Application for Variance on June 14, of 2024. The Zoning Use Permit was approved on June 14, 2024, with the condition that the petitioner abide by any reasonable requirement of the Zoning Board of Appeals regarding the maximum lot size variance.
- D. There are no previous zoning cases for the subject property.
- E. The requested variance is to allow an existing 3.91-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

- 6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
 - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
 - (1) “AGRICULTURE” is the growing, harvesting and storing of crops including legumes, hay, grain, fruit and truck or vegetable crops, floriculture, horticulture, mushroom growing, orchards, forestry and the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, pony and horse production, fur farms, and fish and wildlife farms; farm BUILDINGS used for growing, harvesting and preparing crop products for market, or for use on the farm; roadside stands, farm BUILDINGS for storing and protecting farm machinery and equipment from the elements, for housing livestock or poultry and for preparing livestock or poultry products for market; farm DWELLINGS occupied by farm OWNERS, operators, tenants or seasonal or year-round hired farm workers. It is intended by this definition to include within the definition of AGRICULTURE all types of agricultural operations, but to exclude therefrom industrial operations such as a grain elevator, canning or slaughterhouse, wherein agricultural products produced primarily by others are stored or processed. Agricultural purposes include, without limitation, the growing, developing, processing, conditioning, or selling of hybrid seed corn, seed beans, seed oats, or other farm seeds.
 - (2) “AREA, LOT” is the total area within the LOT LINES.
 - (3) “BEST PRIME FARMLAND” is Prime Farmland Soils identified in the Champaign County Land Evaluation and Site Assessment (LESA) System that under optimum management have 91% to 100% of the highest soil productivities in Champaign County, on average, as reported in the *Bulletin 811 Optimum Crop Productivity Ratings for Illinois Soils*. Best Prime Farmland consists of the following:
 - (a) Soils identified as Agriculture Value Groups 1, 2, 3 and/or 4 in the Champaign County Land Evaluation and Site Assessment (LESA) System;
 - (b) Soils that, in combination on a subject site, have an average LE of 91 or higher, as determined by the Champaign County LESA System; or

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- (c) Any development site that includes a significant amount (10% or more of the area proposed to be developed) of Agriculture Value Groups 1, 2, 3 and/or 4 soils, as determined by the Champaign County LESA System.
 - (4) "LOT" is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
 - (5) "LOT LINES" are the lines bounding a LOT.
 - (6) "VARIANCE" is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning Board of Appeals are permitted to grant.
- B. Section 5.3 of the Zoning Ordinance Footnote 13 states:
- 13. The following maximum LOT AREA requirements apply in the CR, AG-1 and AG-2 DISTRICTS:
 - A) LOTS that meet all of the following criteria may not exceed a maximum LOT AREA of three acres:
 - 1) The LOT is RRO-exempt;
 - 2) The LOT is made up of soils that are BEST PRIME FARMLAND; and
 - 3) The LOT is created from a tract that had a LOT AREA greater than or equal to 12 acres as of January 1, 1998.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.

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- (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.
- D. Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioners testified the following on the application: **“The parcel is a 3.91-acre homestead with a modern home and yard of 1.21 acres; 1.46 acres in crops; grassy area, corn crib, machinery/tool shed and barn lot on the remaining 1 acre”**
- B. Regarding the soils that make up the subject property:
- (1) The soils on the existing 3.91-acre lot are BEST PRIME FARMLAND and consist of 633B Clare silt loam and 152A Drummer silty clay loam and has an average LE score of 91.
- C. The farmstead that currently exists on the property was previously located on a 40-acre parcel. The current 3.91-acre lot was split off by deed in 2008 after the maximum lot size regulation was adopted in 2004.
- D. The property lines were laid out in their current configuration in order to keep all the existing structures, grass area and trees on a single lot. The subject property continues to be used for residential and agricultural purposes.
- E. The petitioner submitted a Zoning Use Permit Application for the construction of a detached garage on the property in May of 2024. The petitioner was informed that the existing lot required a variance to the 3-acre maximum lot size for properties on best prime farmland. The petitioner submitted an Application for Variance on June 14, of 2024. The Zoning Use Permit was approved on June 14, 2024, with the condition that the petitioner abide by any reasonable requirement of the Zoning Board of Appeals regarding the maximum lot size variance.
- F. No changes to the existing parcel lines are proposed and no land will be removed from production.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioners testified the following on the application: **“When we purchased the homestead in 2004 from parents, we squared off the property lines to include out-**

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buildings. Carrying out the regulation, we would not be able to encompass the outbuildings and grassy area.”

- B. Without the proposed variance, the petitioners would need to reconfigure their property lines which would not allow all of their existing and proposed improvements, grass area and trees to be on the same lot.

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

- 9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
 - A. The Petitioners testified the following on the application: **“No; the house and outbuildings were constructed, and the site laid out years prior to when we purchased the property.”**
 - B. The area in question was a farmstead prior to 1973. The subject property was split off from the surrounding farmland in 2008. The property lines were laid out in their current configuration in order to keep all the existing structures and grass area on a single lot.

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

- 10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
 - A. The Petitioners testified the following on the application: **“The property is maintained and is still used for agricultural purposes.”**
 - B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.
 - C. Ordinance No. 914 (Case 711-AT-12) approved on November 27, 2012, revised the best prime farmland definition to have a Land Evaluation (LE) rating of 91 or higher rather than the previous rating of 85 or higher.
 - D. The 3.91-acre lot area is 130% of the required three acre maximum, for a variance of 30%.
 - E. No land is proposed to be taken out of agricultural production.
 - F. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioners testified the following on the application: **“My family continues to farm, and we do not plan to take crop land out of production”.**

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- B. The Big Slough Drainage District has been notified of this variance, and no comments have been received.
- C. The Ludlow Township Highway Commissioner has been notified of this variance, and no comments have been received.
- D. The Ludlow Township Supervisor has been notified of this variance, and no comments have been received.
- E. The Ludlow Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The Petitioners testified the following on the application: **“Though my property is no longer part of the original 40-acre farmstead, I have ¼ interest in the surrounding 36-acre farmland and plan to continue farming.”**

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

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

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Variance received June 14, 2024, with attachment:
 - A Site Plan from Zoning Use Permit 166-24-01

2. Preliminary Memorandum dated July 17, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received June 14, 2024
 - C 2023 Annotated Aerial Photo/Site Plan
 - D 1973 Aerial Photo
 - E Soils Map
 - F Site Images taken June 17, 2024
 - G Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 143-V-24 dated July 25, 2024

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SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **143-V-24** held on **July 25, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The petitioners want to keep an existing 3.91-acre lot that will provide adequate setbacks for the existing and proposed structures, and keep the existing grass area, and trees on their property.***
2. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied **{WILL / WILL NOT}** prevent reasonable or otherwise permitted use of the land or structure or construction because:
 - a. ***Without the proposed variance, the petitioners would need to reconfigure their property lines which would not allow all of their existing and proposed improvements, grass area and trees to be on the same lot.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The existing 3.91-acre lot was created to encompass all the improvements of the original farmstead on a single lot. The petitioner wants to construct a new garage on the property and is requesting to bring the existing lot into conformance with the Zoning Ordinance through the variance process.***
4. The requested variance **{~~SUBJECT TO THE PROPOSED CONDITION~~ / IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
 - a. ***No land is proposed to be taken out of production.***
5. The requested variance **{~~SUBJECT TO THE PROPOSED CONDITION~~ / WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
 - a. ***Relevant jurisdictions have been notified of this case, and no comments have been received.***
6. The requested variance **{~~SUBJECT TO THE PROPOSED CONDITION~~ / IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because: ***it is the minimum lot size that will provide adequate setbacks for existing and proposed structures keeping all of the improvements, trees and grass area on a single lot.***
7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}**

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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 **143-V-24** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Dawn Good-Adwell**, to authorize the following:

Authorize a variance for an existing 3.91-acre lot in lieu of the maximum allowed 3 acres in area for a lot with soils that are best prime farmland in the AG-1 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date