

CASE NO. 153-V-24 & 154-V-24

PRELIMINARY MEMORANDUM

October 24, 2024

Petitioner: **Mark and Julie Hardy**

Request: Case 153-V-24

Authorize a variance for a proposed 10.73-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Case 154-V-24

Authorize a variance for a proposed 10.88-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: Part of 3 existing parcels in the southwest quarter of the southeast quarter of Section 5, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township with PIN's 20-09-05-400-010, 20-09-05-400-013, and 20-09-05-400-014, with an address of 1356 County Road 2900N.

Site Area: 58.88 acres

Time Schedule for Development: Currently in use

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

BACKGROUND

The petitioners own three parcels that total 58.88 acres. The petitioners would like to divide off a 10.73-acre lot and a 10.88-acre lot that make up the area of Hardy's Reindeer Ranch so they can sell the business. The proposed 10.73-acre lot contains a single-family residence and all the buildings for the business. The proposed 10.88-acre lot is the site of the corn maze that is part of the business. The proposed lots are on Best Prime Farmland, which has a 3-acre maximum per the Zoning Ordinance. The remaining 37.27 acres would remain as farmland.

The petitioners received a Special Use Permit (Case 223-S-00) in April of 2000 to operate a rural specialty business at this location. In 2008 the business was expanded, and the property was re-zoned (Case 602-AM-07) from AG-1 to AG-2 and a Special Use Permit was approved (Case 587-S-07) to authorize a Private Indoor Recreational Development with accessory outdoor recreational activities.

EXTRATERRITORIAL JURISDICTION

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

The Village of Rantoul has jurisdiction over subdivisions within their one and one-half mile extraterritorial jurisdiction area however the Department has contacted the Village of Rantoul and they have waived their right to subdivision jurisdiction on this property.

The subject properties are located within Rantoul Township, which has a Plan Commission. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases. No comments have been received by Rantoul Township.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential, Agriculture Indoor Recreational Development	AG-2 Agriculture
North	Agriculture	AG-1 Agriculture
East	Residential, Agriculture	AG-1 Agriculture
West	Residential, Agriculture	AG-1 Agriculture
South	Agriculture	AG-1 Agriculture

PROPOSED SPECIAL CONDITIONS FOR CASES 153-V-24 & 154-V-24

Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy's Reindeer Ranch business be sold into separate ownership, they will need to continue to operate as a single business or a new Special Use Permit will be required.

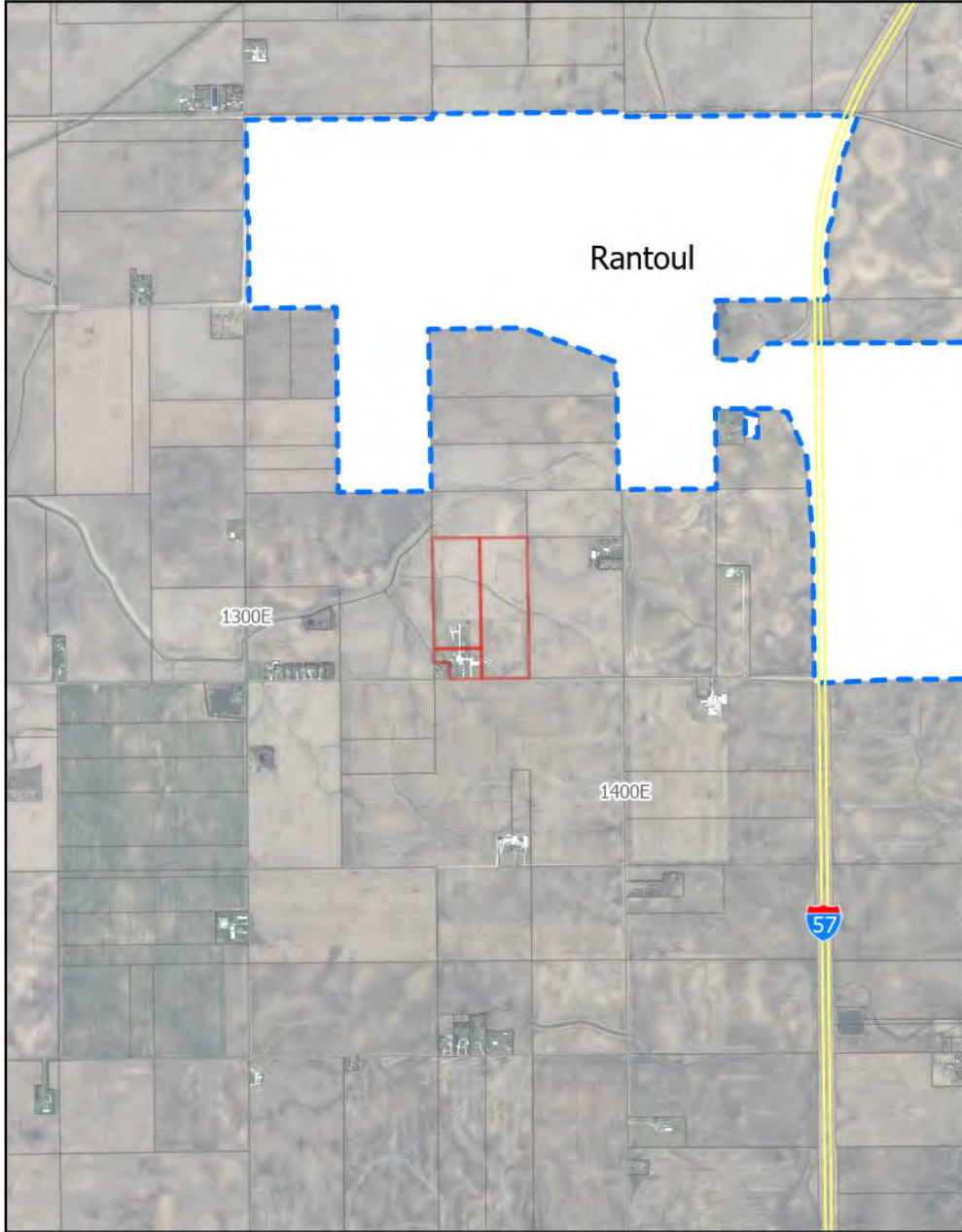
The special condition stated above is required to ensure the following:

That any change to the use on the property complies with the approved Special Use Permit and the Zoning Ordinance.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received August 28, 2024
- C Aerial photo received August 28, 2024
- D Cultivate Power aerial photo received August 28, 2024
- E USDA farm layout map received August 28, 2024
- F 2023 Aerial Photo prepared by P&Z staff
- G Soils Map
- H Site Images taken October 17, 2024
- I Draft Summary of Evidence, Finding of Fact, and Final Determinations for Case 153-V-24 and Case 154-V-24 dated October 31, 2024

Subject Properties

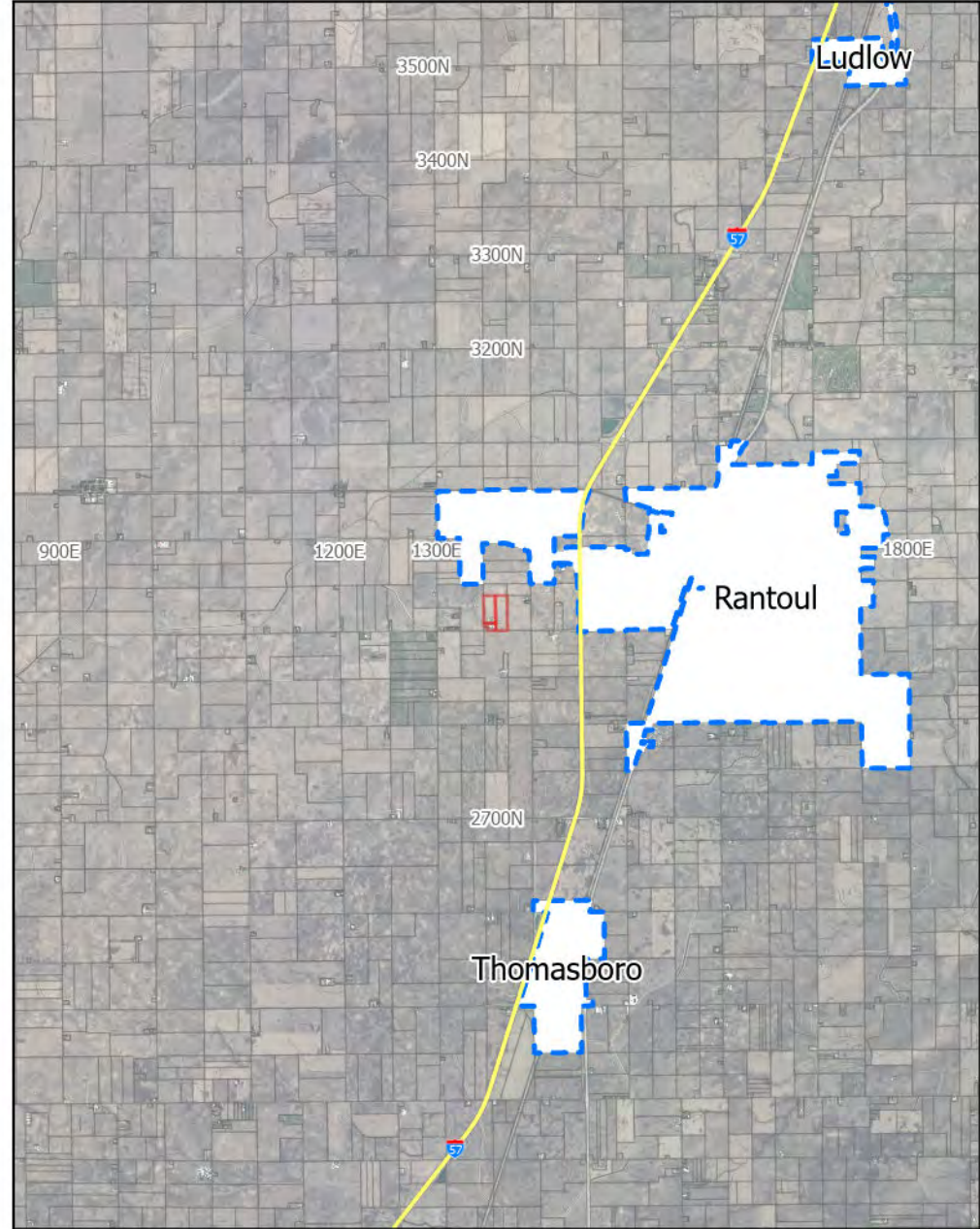


 Municipal Boundary

0 0.5 1 Miles

 Subject Properties

Property Location in Champaign County



0 2 4 Miles



Land Use Map
153-V-24 & 154-V-24
October 31, 2024



- Agriculture
- Residential
- Residential/Commercial
- Agriculture/Residential
- Agriculture/Commercial
- Existing Subject Parcels

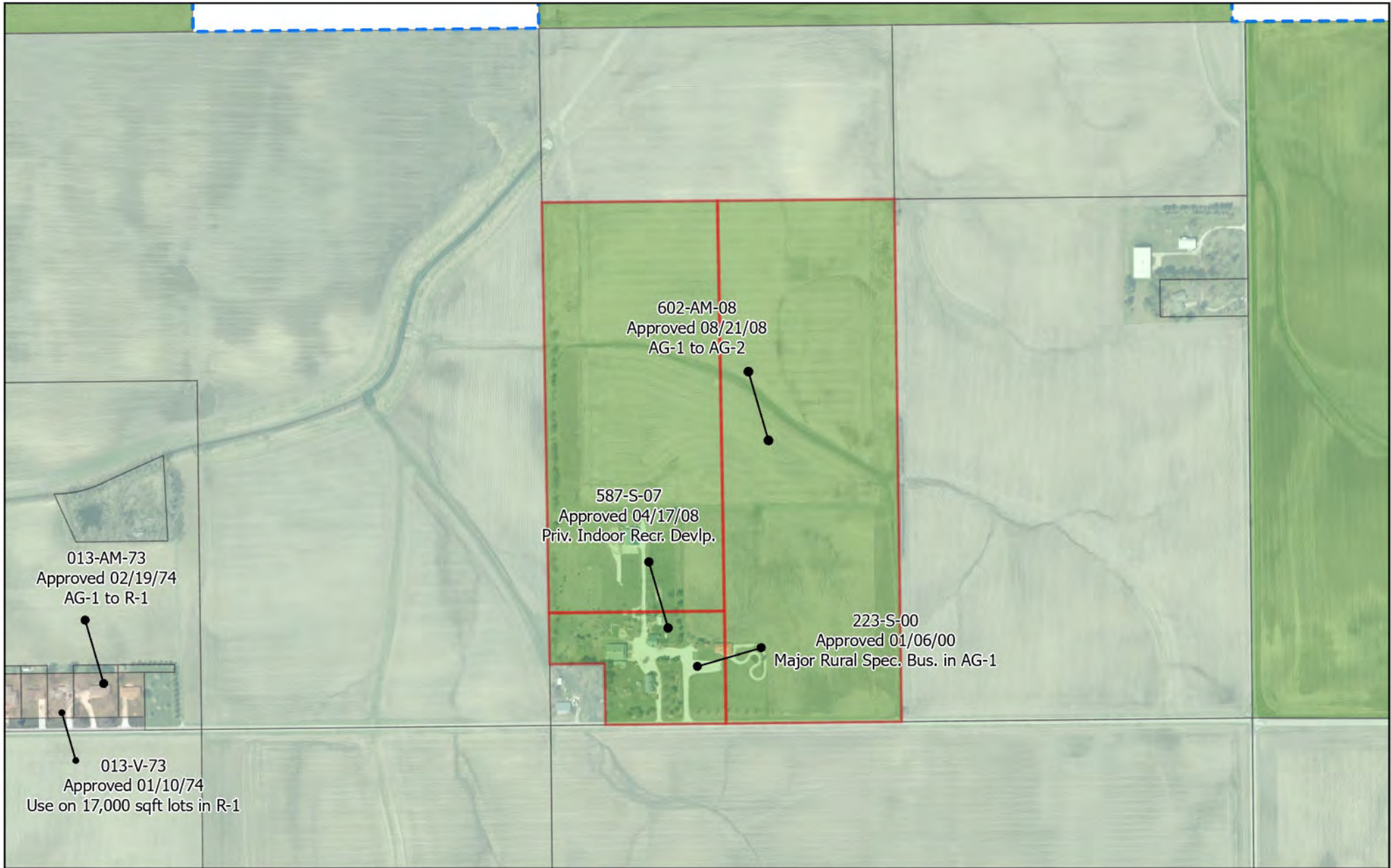
0 500 1,000 Feet






N

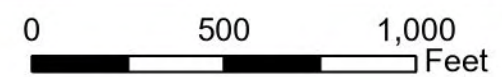
PLANNING & ZONING

Zoning Map

153-V-24 & 154-V-24
October 31, 2024



-  Subject Property
-  AG-2 Agriculture
-  Municipal Boundary
-  AG-1 Agriculture
-  R-1 Single Family Residence



Mark Hardy 1356 Cr 2900 N Rantoul IL 61866

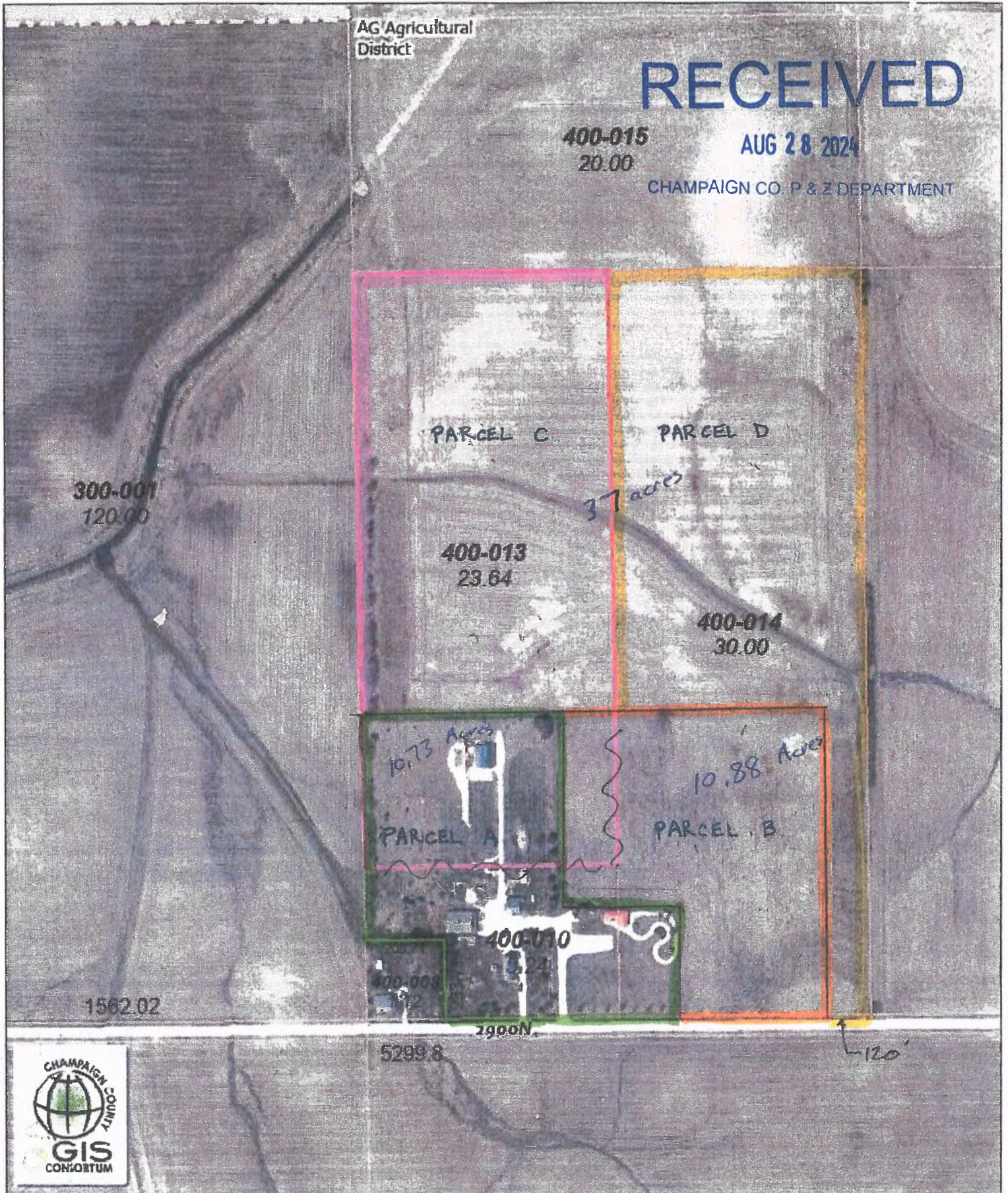
AG Agricultural District

RECEIVED

400-015
20.00

AUG 28 2024

CHAMPAIGN CO. P & Z DEPARTMENT



RECEIVED

AUG 28 2024

CHAMPAIGN CO. P & Z DEPARTMENT

Reference
Map



98



Aaron Castellanos
(217) 385-3855
IL@cultivate-power.com

HARDY MARK

County.Road.1400.E

County.Road.2900.N

County.Road.2900.N

HARDY MARK,
MAILING ADDRESS:
1356 CR 2900 N
RANTOUL, IL 61866

PHYSICAL ADDRESS:
, IL 61866

RECEIVED

AUG 28 2025

APN: 200005100014
TOTAL ACRES: 30.7
USABLE ACRES: 20.3
ID: 10786



CHAMPAIGN CO. P & Z DEPARTMENT
0 185 370 US Feet

Reference Map



United States Department of Agriculture

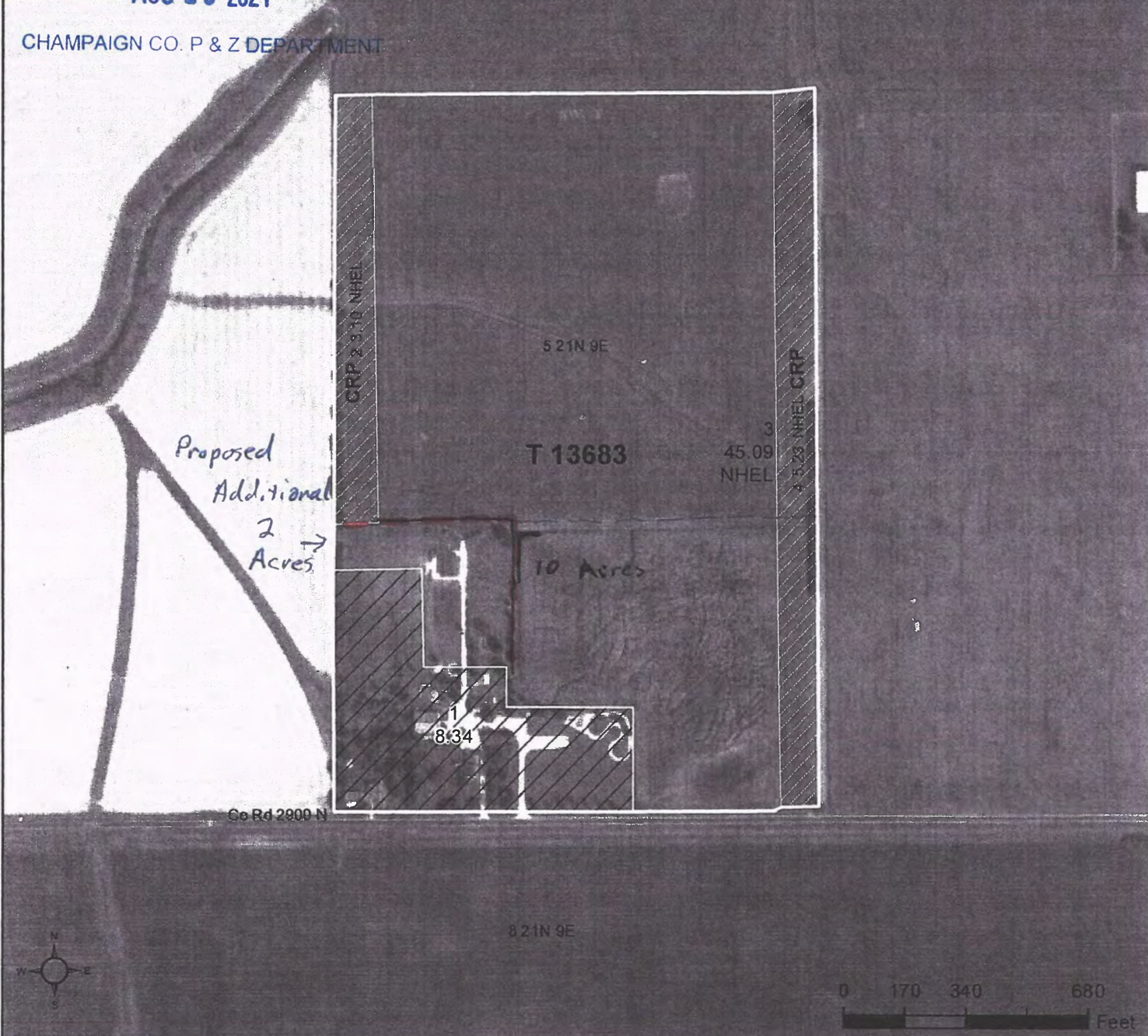
Champaign County, Illinois

Case 153-V-24, 154-V-24 ZBA 10/31/24, Attachment E Page 1 of 1

RECEIVED

AUG 28 2024

CHAMPAIGN CO. P & Z DEPARTMENT



Common Land Unit

Non-Cropland
 Cropland

Tract Boundary
 CRP

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

11 Acres Business

Black eye Susani
 Milk weed
 For glove Lobelia Blue
 Cone Mountain
 N Aster

Tract Cropland Total: 53.42 acres

2023 Program Year
 Map Created April 24, 2023
 Farm 14521
 Tract 13683

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

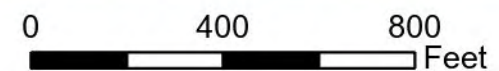


Fuhrmann Ron Lamb - 217 607 2185

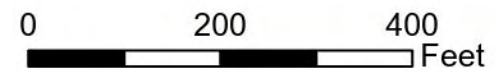
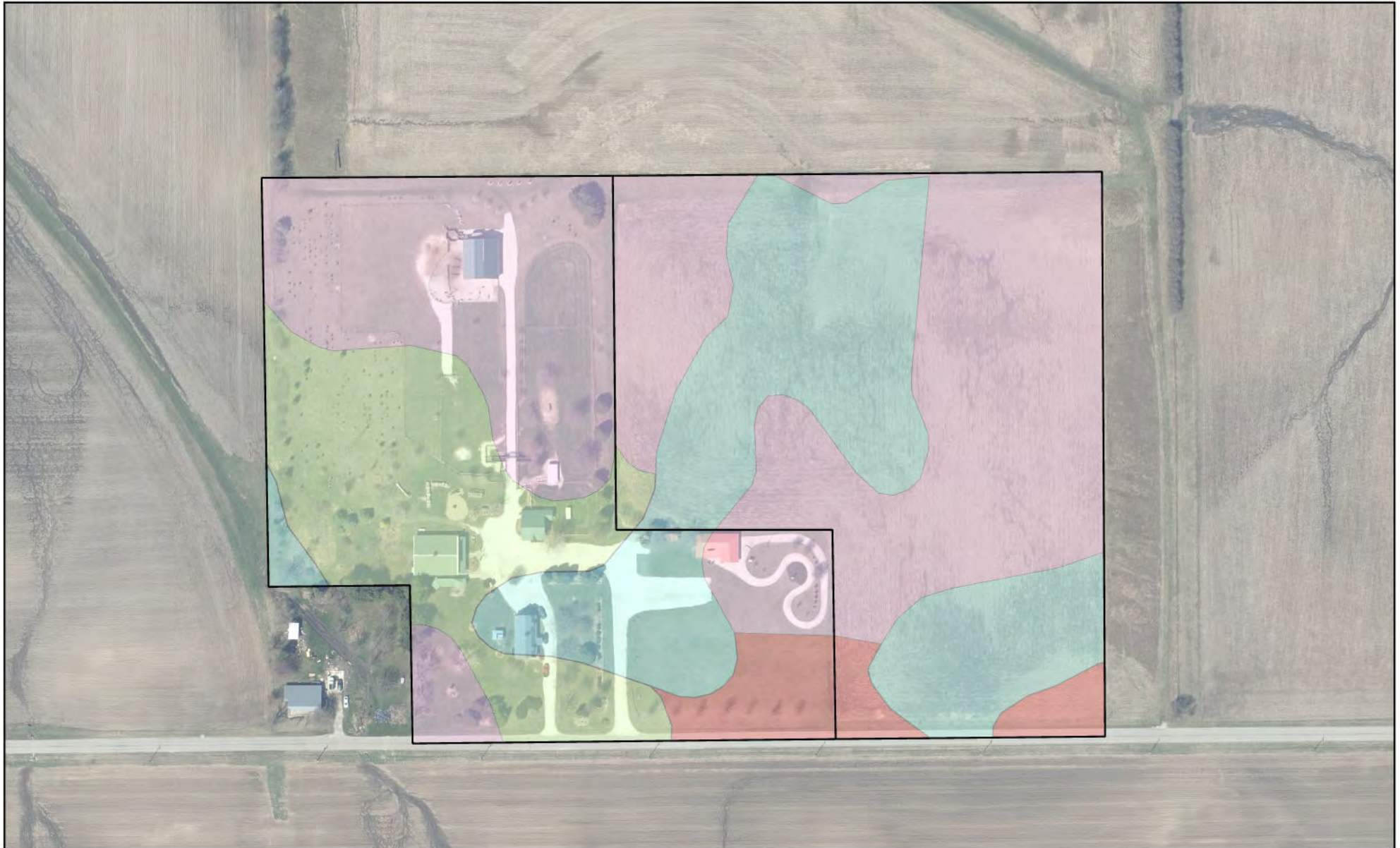
Annotated Aerial with Proposed Parcels

153-V-24 & 154-V-24

October 31, 2024



Soils Map
153-V-24 & 154-V-24
October 31, 2024



153-V-24 154-V-24 Site Images



From 2900N facing northwest to Subject Property



From 2900N facing northeast to Subject Property.

153-V-24 154-V-24 Site Images



From Subject Property facing south



From east side of Subject Property facing west along 2900N

153-V-24 154-V-24 Site Images



West of Subject Property facing East toward adjacent property along 2900N

PRELIMINARY DRAFT

153-V-24 and 154-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: ***{October 31, 2024}***

Petitioner: **Mark and Julie Hardy**

Request: Case 153-V-24

Authorize a variance for a proposed 10.73-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Case 154-V-24

Authorize a variance for a proposed 10.88-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Table of Contents

General Application Information..... 2
Required Variance.....2-3
Specific Ordinance Requirements.....3-5
Variance Evidence5 - 7
Documents of Record.....8
Case 153-V-24 & 154-V-24 Findings of Fact.....9-12
Case 153-V-24 Final Determination..... 13
Case 154-V-24 Final Determination 14

SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **October 31, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Mark and Julie Hardy own the three parcels totaling 58.88 acres lot with an address of 1356 County Road 2900N, Rantoul, in the southwest quarter of the southeast quarter of Section 5, Township 21 North, Range 9 East of the Third Principal Meridian in Rantoul Township with PIN's 20-09-05-400-010, 20-09-05-400-013, and 20-09-05-400-014.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject properties are located within the one and one-half mile extraterritorial jurisdiction of the Village of Rantoul, a municipality with zoning. Municipalities do not have protest rights on variance cases and are not notified of such cases.
 - B. The Village of Rantoul has jurisdiction over subdivisions within their one and one-half mile extraterritorial jurisdiction area however the Department has contacted the Village of Rantoul and they have waived their right to subdivision jurisdiction on this property.
 - C. The subject properties are located within Rantoul Township, which has 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 Subject Property for Case 153-V-24 is a proposed 10.73-acre parcel on 2900N that contains all the buildings associated with Hardy's Reindeer Ranch and is currently zoned AG-2 Agriculture.
 - B. The Subject Property for Case 154-V-24 is a proposed 10.88-acre parcel on 2900N that has no structures and is used as the corn maze at Hardy's Reindeer Ranch and is currently zoned AG-2 Agriculture.
 - C. The area of both proposed lots has a Special Use Permit (Case 587-S-07) to authorize a Private Indoor Recreational Development with accessory outdoor recreational activities.
 - D. Land surrounding the subject properties is zoned AG-1 Agriculture to the north, south, east, and west. There is residential property adjacent to the southwest corner of the subject properties and the remaining area surrounding the Subject Property is in agricultural production.

GENERALLY REGARDING THE PROPOSED SITE PLAN

4. Regarding the site plan for the subject property:
 - A. The Site Plan received on August 28, 2024, indicates the following:
 - (1) Existing structures on the property include:
 - a. One single family dwelling

PRELIMINARY DRAFT**Cases 153-V-24 & 154-V-24**

Page 3 of 14

- b. Gift shop, banquet hall, and cart storage building for Hardy's Reindeer Ranch
 - c. Two barns
 - d. Multiple small sheds and structures
- (2) The petitioner is not proposing any construction at this time.
- B. The petitioners received a Special Use Permit (Case 223-S-00) in April of 2000 to operate a rural specialty business at this location. (Hardy's Reindeer Ranch)
 - C. The property was re-zoned from AG-1 to AG-2 in 2008 under Case 602-AM-07. A Special Use Permit was also approved under Case 587-S-07, to authorize a Private Indoor Recreational Development with accessory outdoor recreational activities under Case 587-S-24.
 - D. The petitioners are proposing to separate the property that encompasses Hardy's Reindeer Ranch from the adjacent farm ground.
 - E. The petitioner is planning to split off a 10.73-acre parcel that contains the home, the buildings associated with the Hardy's Reindeer Ranch business and the agricultural buildings. (Case 153-V-24) As well as a 10.88-acre parcel that is the site of the corn maze that is part of the Reindeer Ranch business. (Case 154-V-24)
 - F. The requested variances are for a proposed 10.73-acre parcel and a 10.88-acre parcel in lieu of the maximum allowed 3 acres in area for lots with soils that are best prime farmland in the AG-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.
 - G. The remaining 37.27 acres of the petitioners property will remain as farmland.

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) "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
 - (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:

PRELIMINARY DRAFT**Cases 153-V-24 & 154-V-24**

Page 5 of 14

- 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. 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

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: **“Need to expand area for Hardy’s Reindeer Ranch use AG-2 would continue.”**
 - B. Regarding the soils that make up the subject property:
 - (1) The proposed 10.73-acre lot contains approximately 6.12 acres (approximately 57% of the lot area) of Dana silt loam, Drummer silty clay loam and Raub silt loam soils and has a relative value of 89 LE and is considered BEST PRIME FARMLAND. The balance of the proposed lot is composed of Wyanet silt loam.
 - (2) The proposed 10.88-acre lot contains approximately 5.12 acres (approximately 47% of the lot area) of Drummer silty clay loam and Raub silt loam soils and has a relative value of 91 LE and is considered BEST PRIME FARMLAND. The balance of the proposed lot is composed of Wyanet silt loam.
 - C. The petitioner wants to separate off the existing business from the surrounding farmland. The proposed 10.73-acre lot would include all the buildings and other structures, and the 10.88-acre lot would include the area used for the corn maze.
 - D. No land is proposed to be taken out of agricultural production.

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 for case 153-V-24: **“Proposed parcel A has been used as a non-farmland use for over 30 years, it has been Christmas trees and pasture.”**
 - B. The Petitioners testified the following on the application for case 154-V-24: **“Proposed parcel B has been used as a non-farmland use for over 30 years, it has been used as a corn maze.**
 - C. Without the proposed variances, the petitioners would not be able to divide off lots that that are large enough to encompass the existing business.

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: **“No”**
 - B. The petitioner has been operating the business on the property for 30 years. They would like to sell the business and the property on which it operates, separate from the adjacent farmland.

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: **“All existing AG-2 zoning permitted uses as shown in Section 5.2 will be complied with and no improvements will be needed.”**
 - B. The maximum lot size on best prime farmland requirement was first established by Ordinance No. 726 (Case 444-AT-04) on July 22, 2004. It was made permanent with Ordinance No. 773 approved December 20, 2005.
 - C. Ordinance No. 914 (Case 711-AT-12) approved on November 27, 2012, revised the best prime farmland definition to have a Land Evaluation (LE) rating of 91 or higher rather than the previous rating of 85 or higher.
 - D. The 10.73-acre lot is 358% of the required three acre maximum, for a variance of 258%.
 - E. The 10.88-acre lot is 363% of the required three acre maximum, for a variance of 263%.
 - F. No land is proposed to be taken out of agricultural production.

PRELIMINARY DRAFT

Cases 153-V-24 & 154-V-24

Page 7 of 14

- G. 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: **“The additional ground would remain in trees and pasture”**.
 - B. The Big Slough Special Drainage District has been notified of this variance, and no comments have been received.
 - C. The Rantoul Township Highway Commissioner has been notified of this variance, and no comments have been received.
 - D. The Rantoul Township Supervisor has been notified of this variance, and no comments have been received.
 - E. The Rantoul Fire Protection District has been notified of this variance, and no comments have been received.
 - F. The Petitioners have operated the business at this location for 30 years.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

11. Generally regarding and other circumstances which justify the Variance:
- A. The Petitioners testified the following on the application: **“My wife and I would like to retire from this agri-tourism business. The additional acres were part of the business, and the new owners would need the ground to continue.”**
 - B. The proposed 10.73-acre lot encompasses all of the buildings for the Hardy’s Reindeer Ranch business. The 10.88-acre lot encompasses the area used for the corn maze that is part of the business.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:

For Cases 153-V-24 and 154-V-24, staff proposes the following special condition:

- A. **Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy’s Reindeer Ranch business be sold into separate ownership they will need to continue to operate as a single business or a new Special Use Permit will be required.**

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

That any change to the use on the property is in compliance with the approved Special Use Permit and the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Variance received August 28, 2024, with attachments:
 - A Site Plan received August 28, 2024
 - B Aerial photo received August 28, 2024
 - C Cultivate Power aerial photo received August 28, 2024
 - D USDA farm layout map received August 28, 2024

2. Preliminary Memorandum dated October 24, 2024, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan received August 28, 2024
 - C Aerial photo received August 28, 2024
 - D Cultivate Power aerial photo received August 28, 2024
 - E USDA farm layout map received August 28, 2024
 - F 2023 Aerial Photo prepared by P&Z staff
 - G Soils Map
 - H Site Images taken October 17, 2024
 - I Draft Summary of Evidence, Finding of Fact, and Final Determinations for Case 153-V-24 and Case 154-V-24 dated October 31, 2024

PRELIMINARY DRAFT**Cases 153-V-24 & 154-V-24**

Page 9 of 14

FINDINGS OF FACT FOR CASE 153-V-24

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **153-V-24** held on **October 31, 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 petitioner wants to separate off the existing business from the surrounding farmland. The proposed 10.73-acre lot would include all the buildings and other structures, and the 10.88-acre lot would include the area used for the corn maze.***
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 variances, the petitioners would not be able to divide off lots that that are large enough to encompass the existing business.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner has been operating the business on the property for 30 years. They would like to sell the business, and the property on which it operates, separate from the adjacent farmland.***
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 encompass all of the existing structures tree farm and pasture for the business.***

Cases 153-V-24 & 154-V-24

PRELIMINARY DRAFT

Page 10 of 14

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

- A. **Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy's Reindeer Ranch business be sold into separate ownership they will need to continue to operate as a single business or a new Special Use Permit will be required.**

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

That any change to the use on the property is in compliance with the approved Special Use Permit and the Zoning Ordinance

PRELIMINARY DRAFT**Cases 153-V-24 & 154-V-24**

Page 11 of 14

FINDINGS OF FACT FOR CASE 154-V-24

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **154-V-24** held on **October 31, 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 petitioner wants to separate off the existing business from the surrounding farmland. The proposed 10.73-acre lot would include all the buildings and other structures, and the 10.88-acre lot would include the area used for the corn maze.***
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 variances, the petitioners would not be able to divide off lots that that are large enough to encompass the existing business.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The petitioner is has been operating the business on the property for 30 years. They would like to sell the business, and the property on which it operates, separate from the adjacent farmland.***
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 encompass the area used for the corn maze for the business.***

Cases 153-V-24 & 154-V-24

PRELIMINARY DRAFT

Page 12 of 14

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

- A. **Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy's Reindeer Ranch business be sold into separate ownership they will need to continue to operate as a single business or a new Special Use Permit will be required.**

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

That any change to the use on the property complies with the approved Special Use Permit and the Zoning Ordinance.

PRELIMINARY DRAFT

Cases 153-V-24 & 154-V-24

Page 13 of 14

FINAL DETERMINATION FOR CASE 153-V-24

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 **153-V-24** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Mark and Julie Hardy**, to authorize the following:

Authorize a variance for a proposed 10.73-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy’s Reindeer Ranch business be sold into separate ownership they will need to continue to operate as a single business or a new Special Use Permit will be required.**

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

That any change to the use on the property complies with the approved Special Use Permit and the 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date

Cases 153-V-24 & 154-V-24

PRELIMINARY DRAFT

Page 14 of 14

FINAL DETERMINATION FOR CASE 154-V-24

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 **154-V-24** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Mark and Julie Hardy**, to authorize the following:

Authorize a variance for a proposed 10.88-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-2 Agriculture Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. **Should the properties covered by the Special Use Permit in Case 587-S-07, that make up the site of the Hardy's Reindeer Ranch business be sold into separate ownership they will need to continue to operate as a single business or a new Special Use Permit will be required.**

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

That any change to the use on the property complies with the approved Special Use Permit and the 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:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals
Date