

CASE 193-S-26 & 194-V-26

PRELIMINARY MEMORANDUM

March 26, 2026

Petitioner: **James and Stephanie Spiros**

Request: **Case 193-S-26**

Authorize a Special Use Permit for the construction of an artificial lake of one or more acres in area in the AG-2 Agriculture Zoning District, per Section 5.2 of the Zoning Ordinance.

Case 194-V-26

Authorize a variance for a proposed 11.961-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 Zoning Ordinance.

Location: **A 17.94-acre vacant lot in the Northwest Quarter of the Southeast Quarter of Section 14, Township 19 North, Range 9 East of the Third Principal Meridian, in Urbana Township, with an address of 3875 E. Washington St., Urbana.**

Site Area: **17.94 acres**

Time Schedule for Development: **As soon as possible**

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

BACKGROUND

The petitioners James and Stephanie Spiros own the 17.94-acre property. The petitioners are proposing to construct a 3.1-acre pond on the subject property. A pond of one acre or more in area requires a Special Use Permit, which is the subject of Case 193-S-26. The petitioners also plan to divide off two, 2.99-acre lots along the north side of the property leaving an 11.96-acre lot which will contain the proposed pond. The 11.96-acre lot is greater than the 3-acre maximum lot size allowed on properties with soils that are considered best prime farmland and therefore requires a variance which is the subject of Case 194-V-26.

The petitioners are required to submit a Storm Water Drainage Plan for review by the independent county engineering consultant as well as a Land Disturbance and Erosion Control Permit application prior to construction of the pond.

EXTRATERRITORIAL JURISDICTION

The subject property is located within the one and one-half mile extraterritorial jurisdiction of the City of Urbana, a municipality with zoning. Municipalities do not have protest rights on Special Use Permit and Variance cases but were notified about the cases.

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

EXISTING LAND USE AND ZONING**Table 1. Land Use and Zoning in the Vicinity**

Direction	Land Use	Zoning
Onsite	Vacant	AG-2 Agriculture
North	Agriculture	AG-2 Agriculture
East	Residential	AG-2 Agriculture
West	Agriculture	AG-2 Agriculture
South	Agriculture	AG-2 Agriculture

SPECIAL CONDITIONS FOR CASE 193-S-26

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- C. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- D. **The principal use on the property shall have access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width and located entirely within the lot lines as required in Section 4.2.1 I of the Zoning Ordinance.**

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

That emergency vehicle access is provided.

- E. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

ATTACHMENTS

- A Case Maps (Location, Land Use, Zoning)
- B Bridgewater Minor Subdivision Preliminary Plat received January 26, 2026
- C 2023 Annotated Aerial Photo
- D 2002/2005 Aerial Photo
- E Soils Map
- F Site photos taken March 5, 2026
- G Summary of Evidence, Finding of Fact, and Final Determination dated April 2, 2026

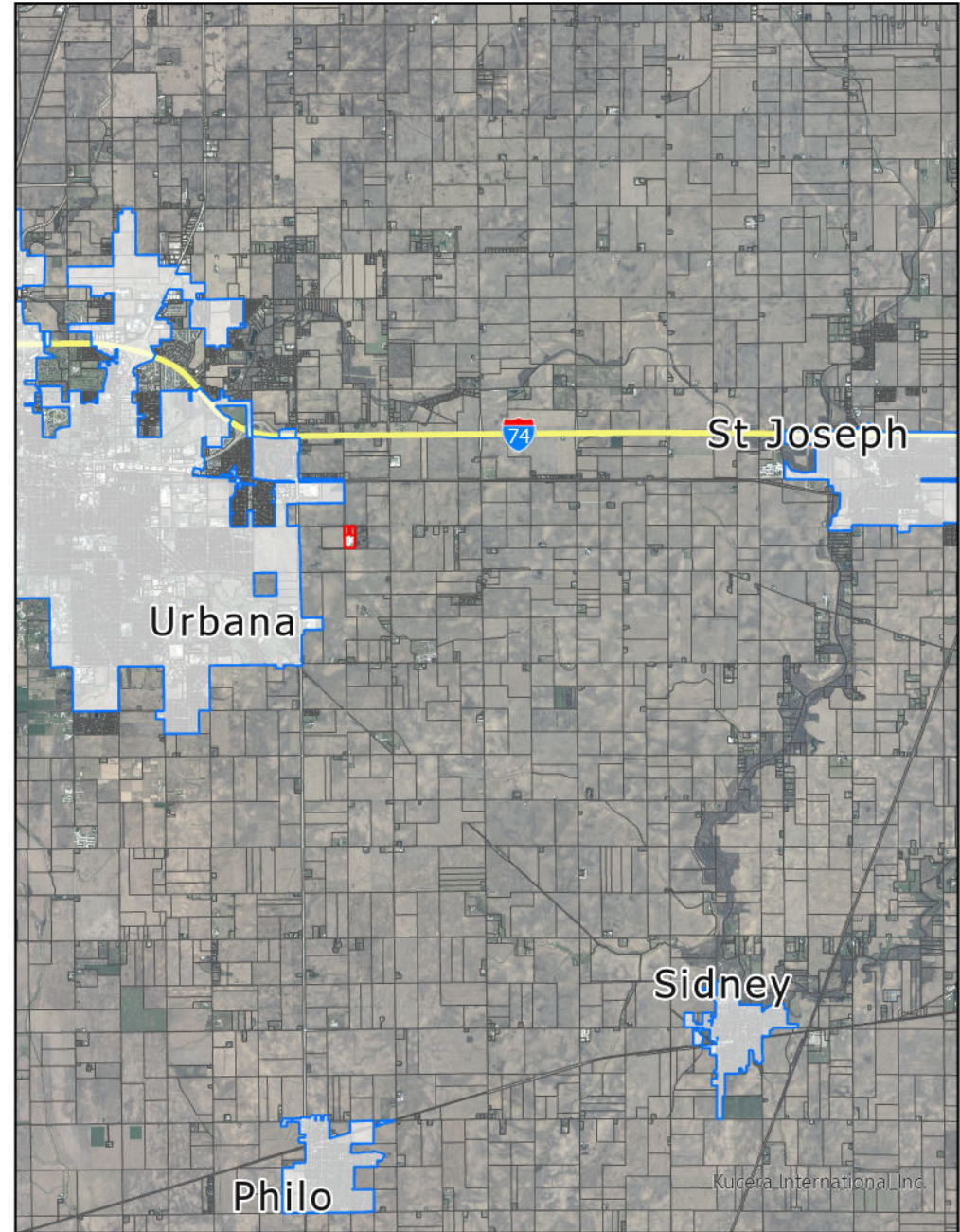
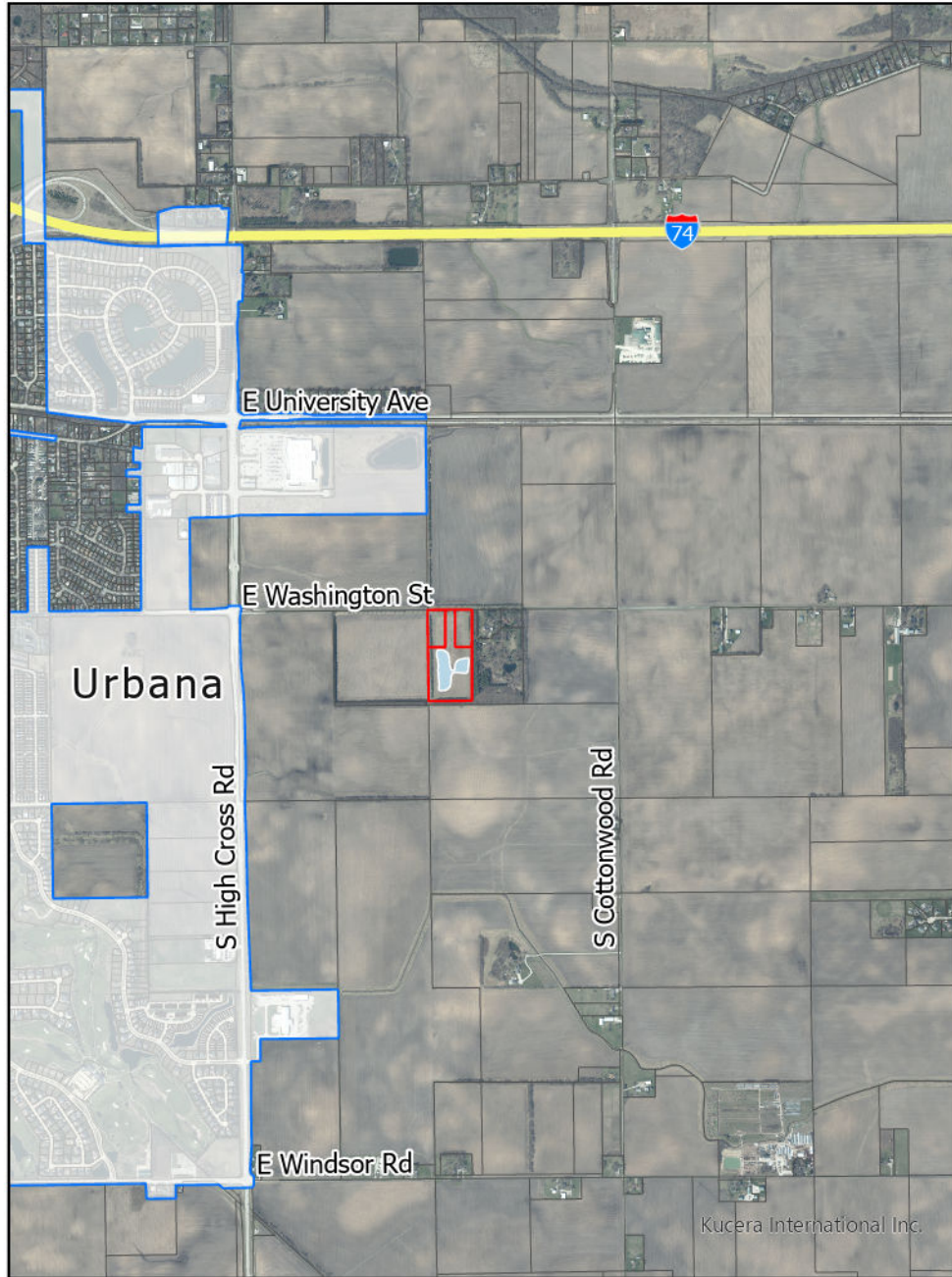
Location Map

Case 193-S-26 / 194-V-26

March 26, 2026

Subject property

Property location in Champaign County



Land Use Map

Case 193-S-26 / 194-V-26

March 26, 2026



Kucera International Inc.

-  Existing Subject Parcel
-  Residential
-  Agricultural



Zoning Map

Case 193-S-26 / 194-V-26

March 26, 2026



E Washington St

S Cottonwood Rd

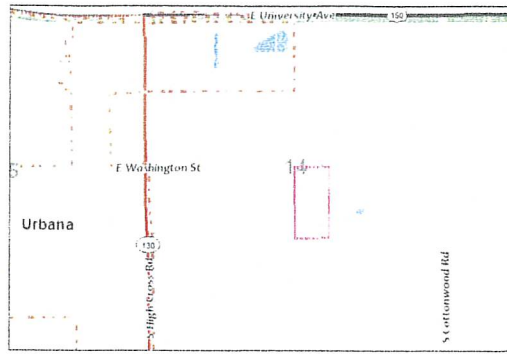
Kucera International Inc.

 Existing Subject Parcel

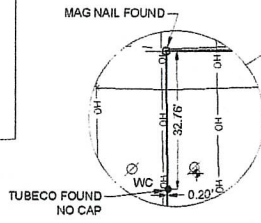
 AG-2 Agriculture



ATTACHMENT A



LOCATION MAP
NOT TO SCALE



- LEGEND**
- BOUNDARY OF TRACT
 - - - PROPOSED EASEMENT LINE
 - EXISTING LOT LINE
 - X- FENCE LINE
 - BRUSH LINE/TREE LINE
 - - - CROP LINE
 - OH OVERHEAD UTILITY LINE
 - + BENCHMARK
 - ⊕ STORM SEWER MANHOLE
 - ⊕ MANHOLE (UNKNOWN UTILITY)
 - ⊕ WATER CURB STOP
 - IRON PIPE OR ROD FOUND
 - SET 1/2" x 30" IRON ROD WITH PLASTIC CAP "PRECISION"
 - ⊙ MAG NAIL
 - WC WITNESS CORNER
 - (52.5') DIMENSION OF RECORD
 - ⊕ UTILITY POLE
 - EXISTING CONTOUR LINE
 - ⊕ DECIDUOUS TREE W/ CALIPER SIZE
 - ⊕ CONIFEROUS TREE W/ CALIPER SIZE
 - ⊕ EXISTING SPOT ELEVATION
 - 3883 ADDRESS

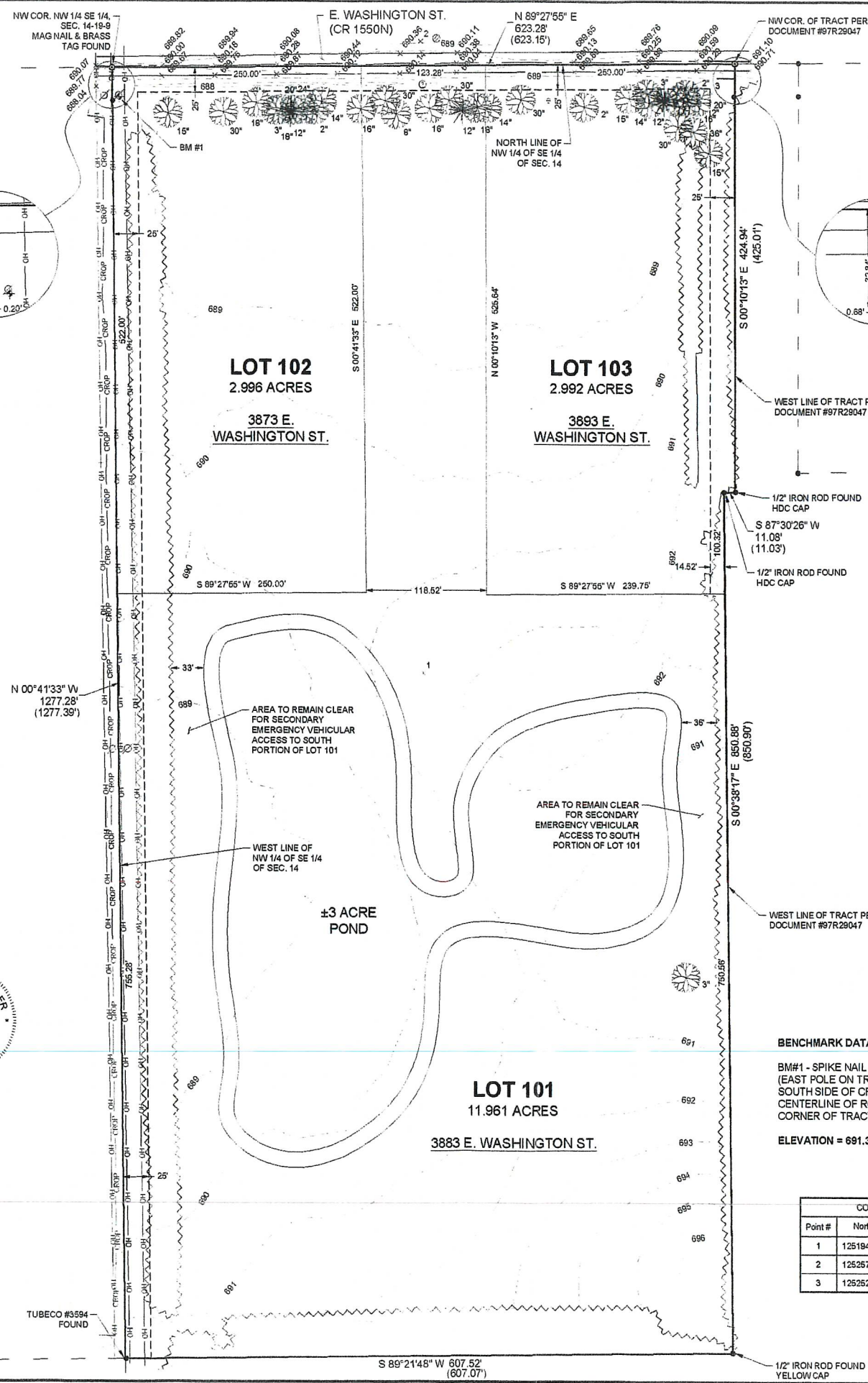
DRAINAGE STATEMENT

We hereby state that to the best of our knowledge and belief the drainage of surface waters of this plat will not be changed by the construction of the improvements of this subdivision or any part thereof or that if such surface water drainage will be changed, reasonable provisions have been made for the collection and diversion of such surface waters into public areas or drains which the subdivider has a right to use and that such surface waters will be planned for in accordance with the generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Mark A. Miller 1/10/26
Date
Mark A. Miller
Illinois Licensed Professional Engineer No. 062.056290
License Expires 1/30/27



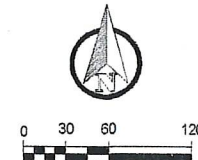
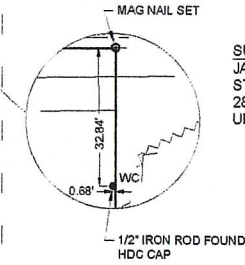
Owner: *James D. Spiros* 1/23/26
Date
James D. Spiros
Owner: *Stephanie W. Spiros* 1/23/26
Date
Stephanie W. Spiros



PRESENTED FOR RECORDING BY:
RETURNED TO:
BRIDGEWATER SUBDIVISION
PART OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION 14,
TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD
PRINCIPAL MERIDIAN,
URBANA, ILLINOIS

SUBDIVIDER/OWNER
JAMES D. &
STEPHANIE W. SPIROS
2810 RIVER BIRCH LANE
URBANA, IL 61802

SURVEYOR/ENGINEER
PRECISION ENGINEERING GROUP, INC.
P.O. BOX 784
CHAMPAIGN, IL 61824-0784
PH. 217-607-9489



SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF CHAMPAIGN) S.S.

I, MERLE E. INGERSOLL, JR., BEING ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 035.003202, DO HEREBY CERTIFY THAT AT THE REQUEST OF JAMES AND STEPHANIE SPIROS, I HAVE CAUSED A SURVEY TO BE MADE AND A PLAT TO BE DRAWN UNDER MY DIRECT SUPERVISION OF THE FOLLOWING DESCRIBED TRACT OF LAND:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 9 EAST OF THE 3RD P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A MAG NAIL AND BRASS TAG SITUATED AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 14; THENCE NORTH 89°27'20" EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 623.15 FEET TO THE NORTHWEST CORNER OF THE TRACT DESCRIBED IN DOCUMENT NUMBER 97R29047 IN THE CHAMPAIGN COUNTY RECORDER'S OFFICE; THENCE SOUTH 00°11'36" EAST, ALONG THE WEST LINE THEREOF, A DISTANCE OF 425.01 FEET TO AN IRON ROD; THENCE SOUTH 89°53'05" WEST, ALONG SAID WEST LINE, A DISTANCE OF 11.03 FEET TO AN IRON ROD; THENCE SOUTH 00°38'14" EAST, ALONG SAID WEST LINE, A DISTANCE OF 850.90 FEET TO AN IRON ROD; THENCE SOUTH 89°21'45" WEST, A DISTANCE OF 607.02 FEET TO AN IRON PIPE ON THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14; THENCE NORTH 00°43'08" WEST, ALONG SAID WEST LINE, A DISTANCE OF 1277.39 FEET TO THE POINT OF BEGINNING; ENCOMPASSING 17.944 ACRES, MORE OR LESS, ALL BEING SITUATED IN CHAMPAIGN COUNTY, ILLINOIS, AND SAID REAL ESTATE BEING SUBJECT TO EXISTING PUBLIC UTILITIES AND THE RIGHTS OF THE PUBLIC IN THE ROADWAY COMMONLY KNOWN AS "COUNTY ROAD 1550N" SITUATED ALONG THE NORTH SIDE THEREOF.

FOR SAID OWNER WHO DESIRES TO FACILITATE THE SALE OF SAID LAND BY SUBDIVIDING IT INTO LOTS, STREET RIGHT-OF-WAYS AND OTHER AREAS INTO WHICH SAID LANDS HAVE BEEN SO SUBDIVIDED, AND HAVE NUMBERED THE LOTS WHICH NUMBERS ARE SHOWN IN LARGER SIZE ON SAID PLAT; AND HAVE STATED THE PRECISE DIMENSIONS IN FEET AND HUNDRETHS OF FEET OF SAID LOTS, STREETS, AND OTHER AREAS; AND THAT REFERENCE HAS BEEN MADE UPON SAID PLAT TO PERMANENT SURVEY MONUMENTS; AND HAVE PLACED SURVEY MONUMENTS AS SHOWN ON THE PLAT; AND THE SUBDIVISION SHALL BE KNOWN AS "BRIDGEWATER SUBDIVISION".

I FURTHER CERTIFY THAT I HAVE SURVEYED THE TRACT OF LAND ABOVE DESCRIBED AND THAT THE HEREON DRAWN PLAT IS A TRUE REPRESENTATION THEREOF.

SIGNED AND SEALED ON THIS 10th DAY OF JANUARY, 2026.

Merle E. Ingersoll, Jr.
MERLE E. INGERSOLL, JR.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035.003202
LICENSE EXPIRES 11/30/26



BENCHMARK DATA:

BM#1 - SPIKE NAIL IN SOUTHEAST SIDE OF UTILITY POLE (EAST POLE ON TRANSMISSION LINE), POLE LOCATED ON SOUTH SIDE OF CR 1550N AND ±2700' EAST OF THE CENTERLINE OF ROUTE 130 AND NEAR THE NORTHWEST CORNER OF TRACT SURVEYED)

ELEVATION = 691.38'

CONTROL POINT TABLE

Point #	Northing	Easting	Elevation
1	1251945.6280	1035002.0620	691.64'
2	1252572.0970	1034998.4420	699.24'
3	1252521.2080	1035291.2310	689.44'

REV. # 1	REV. DATE: 01/09/26	REVISION MADE: PER COUNTY & CITY REVIEW
DATE: 10/21/25	SCALE: AS SHOWN	<p>PRECISION ENGINEERING GROUP, INC. P.O. BOX 784 CHAMPAIGN, IL 61824-0784 PHONE: 217.202.8049 CIVIL ENGINEERING - LAND SURVEYING ILLINOIS DESIGN FIRM REGISTRATION NO. 184007685</p>
FIELD BOOK: 66/p. 66-72	DRAWN BY: MAM	
CHECKED BY: MEI		
MINOR PLAT		<p>3875 EAST WASHINGTON STREET PART OF SEC. 14, T. 19 N., R. 9 E., 3rd P.M. URBANA, ILLINOIS</p>
		<p>FILE # 58625001</p> <p>SHEET 1 OF 2</p>

RECEIVED
JAN 26 2026
CHAMPAIGN CO. P & Z DEPARTMENT

SPACE RESERVED FOR RECORDER'S STAMP

PRESENTED FOR RECORDING BY:

RETURNED TO:

BRIDGEWATER SUBDIVISION

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14,
TOWNSHIP 19 NORTH, RANGE 9 EAST, OF THE THIRD PRINCIPAL MERIDIAN,
URBANA, ILLINOIS

SUBDIVIDER/OWNER
JAMES D. &
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2810 RIVER BIRCH LANE
URBANA, IL 61802

SURVEYOR/ENGINEER
PRECISION ENGINEERING GROUP, INC.
P.O. BOX 784
CHAMPAIGN, IL 61824-0784
PH. 217-607-9489

SPACE RESERVED FOR
RECORDER'S STAMP

SURVEYOR'S NOTES

- Field work was completed for this project on September 2, 2025.
- This professional service conforms to the current Illinois Minimum Standards for a Boundary and topographic Surveys.
- I set or found the corner monuments as shown on the Plat.
- The locations of underground utilities as shown hereon are based on above-ground structures observed by the surveyor only. No excavations were made during the progress of the survey to verify existence, exact location, size, depth, or condition of any buried utilities or structures. There has been no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts which an accurate and current title search may disclose. There may exist other documents of record which would affect this parcel.
- Subsurface and environmental conditions were not examined or considered as a part of this survey.
- This tract of land is located in Zone "X" on the Special Flood Hazard Area Identified for Champaign County, Illinois, by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel Number 17019C0450D, dated October 2, 2013. There has been no observed historic flooding on this tract.
- The legal description shown on this plat was provided to the surveyor per Warranty Deed Document Number 2025R11002 recorded at the Champaign County Recorder's Office.
- A strip of land along the north side, E. Washington Street, of the tract of land is used by the public for a roadway.
- The total area of the subdivision surveyed is calculated to be 17.949 acres, more or less.
- The proposed subdivision is within the Exterritorial Jurisdiction of the City of Urbana. It is approximately 0.5 miles from the nearest city limits.
- All proposed easements shown on the plat are to be dedicated for utility and drainage purposes.
- The plat will be submitted for Champaign Urbana Public Health District review due to the lack of access to public sanitary sewer or public water supply.
- The lots shall have single family residencies located on each lot. There shall be a required setback distance of 200 feet between any private water well and subsurface septic systems.
- A soil investigation shall be done on each lot and must be conducted in accordance with Section 905.55(a) of the Illinois Private Sewage Disposal Code.
- The location of drainage tiles or maps of this tract are not known.
- Public water is not available by Illinois American Water in this area and the developer desires to have private wells for each lot approved by the Champaign Urbana Public Health District.
- These tracts are located outside of the current Illinois American Water certified area with the Illinois Commerce Commission.
- The northern portion of this proposed subdivision lies within the Saline Branch Drainage District and the southern portion lies within the St. Joseph Township Drainage District #3

REQUESTED VARIANCES AND SPECIAL NOTES:

- Subdivider requests a variance for Lot 101 that exceeds the maximum lot size of 3 acres of best prime farmland as defined by the County per Footnote 13 in Section 5.3 of the County Zoning Ordinance for the following reasons:
 - Due to the unique conditions of this tract. It doesn't appear the lot has had row crops for the past 20 years.
 - The variance does not harm public welfare or neighboring properties.
 - Subdivider desires to have a single family residence on the lot with additional space for potential horse pastures and recreational uses.
- The proposed approximately 3 acre pond is larger than the one acre allowed by the ordinance and will require a special use permit and a storm water drainage and erosion control plan.
- Per Champaign County Zoning Ordinance Sec. 4.2.1.I, the principal use on Lot 101 shall maintain a minimum 20 foot wide solid surface drive access to the main street from the constructed residential home and buildings entirely within the boundary of Lot 101.

APPROVALS

I, _____, Highway Commissioner, of _____ Township do hereby certify that this plat has been reviewed by me and approved with respect to roadway access and other matters under my jurisdiction.

Dated this ____ day of _____ A.D., 2026

Township Highway Commissioner


Approved the ____ day of _____ A.D., 2026.
Champaign County Board

Chairman

Champaign County Environment and Land Use Committee

Chairman

Subdivision Officer

REV. # 1	REV. DATE: 01/08/26	REVISION MADE: PER COUNTY & CITY REVIEW
DATE: 10/21/25	SCALE: AS SHOWN	 PRECISION ENGINEERING GROUP, INC. P.O. BOX 784 CHAMPAIGN, IL 61824-0784 PHONE: 217.202.8049 CIVIL ENGINEERING - LAND SURVEYING ILLINOIS DESIGN FIRM REGISTRATION NO. 184007585
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CHECKED BY: MEI		
MINOR PLAT		FILE # 56625001 SHEET 2 OF 2
3875 EAST WASHINGTON STREET PART OF SEC. 14, T. 19 N., R. 9 E., 3rd P.M. URBANA, ILLINOIS		

Annotated 2023 Aerial

Case 193-S-26 / 194-V-26

March 26, 2026



 Proposed Subject Parcels*

 Proposed 3-Acre Lake*

0 200 400
Feet

Annotated Imagery

Case 193-S-26 / 194-V-26

March 26, 2026

2002 Aerial



2005 Aerial



 Existing 17.94-acre parcel

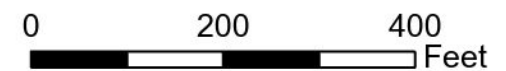
Annotated 2023 Soils Map

Case 193-S-26 / 194-V-26

March 26, 2026



 Proposed Lot 101: Best Prime Farmland Soils



193-S-26 & 194-V-26 Site Images



From Washington St. looking southwest toward subject property



From Washington St. looking west across subject property

193-S-26 & 194-V-26 Site Images



From Washington St. looking east across subject property



From Washington St. looking south along west property line

193-S-26 & 194-V-26 Site Images



From Washington St. looking southeast toward subject property

PRELIMINARY DRAFT

193-S-26 and 194-V-26

**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: *{April 2, 2026}*

Petitioner: **James and Stephanie Spiros**

Request: **Case 193-S-26**

Authorize a Special Use Permit for the construction of an artificial lake of one or more acres in area in the AG-2 Agriculture Zoning District, per Section 5.2 of the Zoning Ordinance.

Case 194-V-26

Authorize a variance for a proposed 11.961-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 Zoning Ordinance.

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SUMMARY OF EVIDENCE

From the documents of record and the testimony and exhibits received at the public hearing conducted on **March 26, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. James and Stephanie Spiros are the owners of the subject property.
2. The subject property is a 17.94-acre vacant lot in the Northwest Quarter of the Southeast Quarter of Section 14, Township 19 North, Range 9 East of the Third Principal Meridian, in Urbana Township, with an address of 3875 E. Washington St., Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one-and-one-half miles of the City of Urbana, a municipality with zoning.
 - B. The subject property is located within Urbana Township, which does not have a Planning Commission. Townships with Planning Commissions do not have protest rights on a Special Use Permit. Notification was sent to Urbana Township.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

6. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The 17.94-acre subject property is zoned AG-2 Agriculture.
 - B. The Subject property is currently vacant. The petitioners are proposing to divide off two 2.99-acre lots leaving one 11.96-acre lot on which a 3-acre pond will be constructed.
 - C. Land to the north is zoned AG-2 Agriculture and is in agricultural production.
 - D. Land to the south is zoned AG-2 Agriculture and is in agricultural production.
 - E. Land to the east is zoned AG-2 Agriculture and is in use as residential.
 - F. Land to the west is zoned AG-2 Agriculture and is in agricultural production.

GENERALLY REGARDING THE PROPOSED SPECIAL USE

7. Regarding the site plan for the proposed Special Use:
 - A. The Site Plan received January 26, 2026, indicates the following:
 - (1) One approx. 3-acre pond on a proposed 11.96-acre lot.
 - (2) Two 2.99-acre lots.
 - B. There are no previous Zoning Use Permits for the subject property.
 - C. There are no previous Zoning Cases for the subject property.

- D. The requested variance is for the proposed 11.96-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.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS

8. Regarding specific *Zoning Ordinance* requirements regarding authorization for an artificial lake of 1 acre or more in the AG-2 Agriculture Zoning DISTRICT and the creation of a lot greater than 3 acres in area for a lot with soils that are best prime farmland in the *Zoning Ordinance*:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit and Variance (capitalized words are defined in the Ordinance):
- (1) “AREA, LOT” is the total area within the LOT LINES.
 - (2) “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 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;
 - 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.
 - (3) “BUILDING” is an enclosed STRUCTURE having a roof supported by columns, walls, arches, or other devices and used for the housing, shelter, or enclosure of persons, animal, and chattels.
 - (4) “BUILDING, DETACHED” is a BUILDING having no walls in common with other BUILDINGS.
 - (5) “DWELLING UNIT” is one or more rooms constituting all or part of a DWELLING which are used exclusively as living quarters for one FAMILY, and which contains a bathroom and kitchen.
 - (6) “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.
 - (7) “LOT LINES” are the lines bounding a LOT
 - (8) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
 - (9) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.

- (10) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
 - (11) “SUITED OVERALL” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be SUITED OVERALL if the site meets these criteria:
 - a. The site features or site location will not detract from the proposed use;
 - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
 - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
 - d. Necessary infrastructure is in place or provided by the proposed development; and
 - e. Available public services are adequate to support the proposed development effectively and safely.
 - (12) “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.
 - (13) “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.
- B. Regarding authorization for “artificial lake” in the Zoning Ordinance.
- (1) “Artificial lake of one or more acres” has always been authorized only as a Special Use Permit in the Zoning Ordinance.
 - (2) Section 6.1.3 of the *Zoning Ordinance* establishes Standard Conditions that are applicable to Special Use Permits. Standard conditions for an artificial lake of one or more acres in the CR Conservation Recreation District are the same as those listed in Section 5.3: Schedule of Area, Height and Placement Regulations by District.
- C. Section 6.1 contains standard conditions that apply to all SPECIAL USES, standard conditions that may apply to all SPECIAL USES, and standard conditions for specific types of SPECIAL USES. Relevant requirements from Subsection 6.1 are as follows:
- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
 - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
 - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.

- c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
 - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.
 - e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- D. 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 9.1.9 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 that 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
- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
 - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
 - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is

PRELIMINARY DRAFT

not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.

- b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
 - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
- (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
 - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
 - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
 - (6) Approval of a Special Use Permit shall authorize use, construction and operation only in a manner that is fully consistent with all testimony and evidence submitted by the petitioner or petitioners agent.
- F. Paragraph 9.1.11.D.1. states that a proposed Special Use that does not conform to the standard conditions requires only a waiver of that particular condition and does not require a variance. Regarding standard conditions:
- (1) The Ordinance requires that a waiver of a standard condition requires the following findings:
 - a. That the waiver is in accordance with the general purpose and intent of the ordinance; and
 - b. That the waiver will not be injurious to the neighborhood or to the public health, safety, and welfare.
- G. Paragraph 9.1.11. D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- H. Regarding the proposed variance, Section 5.3 of the Zoning Ordinance establishes the maximum lot size of 3 acres on lots with soils that are best prime farmland.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION

9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:

A. The Petitioner testified on the application, **“The proposed special use is necessary and appropriate at this location because the subject property is a large, long established rural tract that has not been actively farmed for approximately 20 years and is well suited for low-density residential use. The creation of a private pond larger than one acre on Lot 101 supports responsible land stewardship by providing on-site stormwater detention, improved drainage control, and groundwater recharge, which benefits not only the subject property but also surrounding lands.**

The size of the tract allows the pond to be located with substantial setbacks from property lines and neighboring homes, minimizing any potential impacts while preserving open space and rural character. The pond will enhance environmental quality, wildlife habitat, and aesthetic value, contributing positively to the overall development pattern in the area.

Allowing the proposed pond at this location promotes orderly development consistent with the County’s zoning objectives by enabling appropriate residential use of a non-productive agricultural tract while ensuring that stormwater and surface water are managed safely and effectively on site.”

B. The petitioner proposes to divide the existing 17.94-acre lot into three buildable lots with the proposed 3.1-acre pond on the proposed 11.96-acre lot.

GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE

10. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:

A. The Petitioners have testified on the application, **“**
-The proposed special use is compatible with the existing and intended character of the surrounding area, which includes low-density residential and semi-rural home sites.

-The subject property is of sufficient size and configuration to accommodate the proposed residential lots and the 3.1-acre pond, while maintaining appropriate setbacks and separation from adjoining properties.

-The proposed pond is an accessory use incidental to a permitted single-family residential use and will not alter the essential character of the zoning district. -The location, design and scale of the pond will minimize impacts to adjacent properties, including visual, drainage and noise impacts.

-The pond will function to provide on-site stormwater detention and controlled surface water management, thereby preventing adverse impacts to neighboring lands and public drainage facilities.

-The property has not been actively farmed for approximately 20 years, and the proposed use represents an orderly and reasonable use of land consistent with current conditions.

-The proposed development will not generate excessive traffic, demand for public services, or other public costs beyond those normally associated with low-density residential use.

-The proposed special use will be constructed, maintained, and operated in compliance with all applicable Champaign County regulations, ensuring protection of public health, safety, and welfare.”

- B. Regarding surface drainage:
- (1) The subject site is generally flat.
 - (2) Regarding the *Storm Water Management and Erosion Control Ordinance*:
 - a. The subject property is not exempt from the SWMEC Ordinance. The petitioners are required to submit a Storm Water Drainage Plan for review by the independent county engineering consultant. A special condition has been added that the plan and review will be required as part of the construction permit process for the pond.
 - b. The petitioners are also required to submit a Land Disturbance and Erosion Control Permit application for construction of the pond.
- C. Regarding impacts on traffic:
- (1) The subject property is located on the south side of E. Washington St. /CR 1550N., North Cunningham Ave. approximately .5 miles east of IL 130 / High Cross Rd.
 - a. E. Washington St. /CR 1550N is a 20 ft. wide asphalt road maintained by Urbana Township.
 - (2) Regarding the general traffic conditions on E. Washington St. /CR 1550N at this location, the level of existing traffic, and the likely change from the proposed Special Use:
 - a. The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). E. Washington St. /CR 1550N had an ADT of 225 near the subject property in 2024.
 - (3) The Urbana Township Road Commissioner has been notified of this case, and no comments have been received.
- D. Regarding fire protection on the subject property, the subject property is located approximately 7.8 road miles from the Philo Fire Protection District station. Notice of these zoning cases was sent to the Philo Fire Protection District, and no comments have been received.

- E. No part of the subject property is located within a mapped floodplain.
- F. Soil on the subject property is Best Prime Farmland and consists of 152A Drummer silty clay, 198A Elburn silt loam and 679B Blackberry silt, and has an average Land Evaluation (LE) of 100.
- G. Regarding outdoor lighting on the subject property:
 - (1) Information regarding new lighting on the site was not included with the application.
 - (2) A special condition has been added to ensure compliance with Section 6.1.2.
- H. Regarding wastewater treatment and disposal on the subject property: there is no septic system on the property, and one is not required for a pond.
 - (1) Any future dwelling constructed on the property will require a private sewage disposal system constructed in accordance with Champaign County Public Health District regulations.
- I. Other than as reviewed elsewhere in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT

- 11. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
 - A. The Petitioner have testified on the application, **“Yes. The proposed use conforms to the applicable regulations and standards of, and preserve the essential character of the zoning district, except where modified through approval of this Special Use pursuant to Section 6 of the County Zoning Ordinance.**

The primary use of the property is single-family residential, which is a permitted use within the district. The proposed 3.1-acre pond is an accessory use incidental to the residential development and differs from the ordinance standards only with respect to pond size, for which Special Use approval is requested.

The proposed subdivision and pond are designed to maintain low-density, semi-rural residential character, consistent with surrounding land uses. The site’s size and configuration allow the pond to be located with appropriate setbacks and buffering, ensuring comparability with adjacent properties.

With approval of the requested Special Use, the proposed use will comply with all other applicable zoning, subdivision, and environmental regulations and will preserve the essential character of the district while allowing reasonable and orderly use of the property.”

- B. Regarding compliance with the *Zoning Ordinance*:
- (1) Section 5.2: Table of Authorized Principal Uses states that an artificial lake of 1 acre or more can be established with a Special Use Permit in the AG-2 Agriculture Zoning District.
 - (2) Regarding Best Prime Farmland:
 - a. 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.
 - b. 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, and also included the rule that 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 would be considered Best Prime Farmland.
 - a. The proposed 11.96-acre lot meets the current definition of Best Prime Farmland, and therefore a variance is necessary.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*:
- (1) Based on the size of the subject property the proposed improvements do not trigger the requirement for a Storm Water Drainage Plan.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, no part of the subject property is located within a mapped floodplain.
- E. Regarding the Subdivision Regulations, the subject property is located in the City of Urbana subdivision jurisdiction, the petitioner is aware of the requirements to comply with the City of Urbana subdivision regulations.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE

12. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
 - A. Section 5.2: Table of Authorized Principal Uses authorizes an artificial lake of one or more acres as a Special Use in the AG-2 Agriculture Zoning District.

B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:

- (1) Subsection 5.1.11 of the Ordinance states the general intent of the AG-2 Agriculture District as follows (capitalized words are defined in the Ordinance):

The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant, and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.

- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.

C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:

- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance, and the proposed site plan appears to be in compliance with those requirements.

- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

a. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property.

- (a) It is not clear whether the proposed Special Use will have any impact on the value of nearby properties without a formal real estate appraisal, which has not been requested nor provided, and so any discussion of values is necessarily general.

b. With regard to the value of the subject property, the subject property has been a vacant lot, so any development on the property should increase its value.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed Special Use is unlikely to increase traffic.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.
 - a. No part of the subject property is located within a mapped floodplain.
 - b. The proposed facility must comply with the *Champaign County Storm Water Management and Erosion Control Ordinance*. A special condition has been added.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.
 - a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.
 - b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.
 - c. No comments have been received regarding the proposed Special Use.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance. No structures have been proposed at this time but there should be sufficient area to meet the requirements of the Ordinance.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform;

and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
 - a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
 - b. The subject property has not been in row crop production since 2005. The perimeter of the property has been in turf grass with rows of trees and the middle of the property has been in tall grass.

- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

- a. There are no natural features on the subject property.

- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The subject property has not been in row crop production since 2005. The perimeter of the property has been in turf grass with rows of trees and the middle of the property has been in tall grass.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE

13. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner testified on the application: **“Yes. The proposed Special Use will make the property more compatible with its surroundings by converting a long-unused agricultural tract into low-density residential lots. The 3.1-acre pond is an accessory feature that enhances drainage, open space, and rural character, consistent with neighboring properties”**
 - B. The proposed use is not an existing non-conforming use.

RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

14. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“The site has not been actively farmed for 20 years. The previous owner established perimeter tree plantings. These extensive tree plantings were intentionally created as a windbreak and for aesthetic purposes in anticipation of future home construction on the property.”**
 - B. Regarding the proposed variance:
 - (1) The petitioners are proposing to divide off two 2.99-acre lots leaving one 11.96-acre lot on which a 3.1-acre pond will be constructed.
 - (2) The proposed 11.96-acre lot is Best Prime Farmland and consists of 152A Drummer silty clay, 198A Elburn silt loam and 679B Blackberry silt, and has an average Land Evaluation (LE) of 100.
 - (3) The subject property has not been in row crop production since 2005. The perimeter of the property has been in turf grass with rows of trees, and the middle of the property has been in tall grass.

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

15. 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, **“Strict application of the zoning regulation would create a practical difficulty by preventing reasonable residential use of a parcel that is otherwise well-suited for a single-family homesite. The subject property is nearly four times larger than the maximum lot size permitted for a residence, yet limiting development to a three-acre homesite would not reflect the parcel’s existing size, configuration, or long-established non-agricultural character.**

The property has not been farmed for over 20 years and contains mature perimeter tree plantings established by a prior owner, which define the site as a cohesive residential setting rather than active farmland. These tree plantings were specifically installed as a windbreak and aesthetic buffer in anticipation of residential development. Enforcing the strict letter of the regulation would require unnecessary subdivision or artificial reconfiguration of the parcel, resulting in a use that is inconsistent with the property’s existing physical conditions and surrounding land use pattern.

Additionally, prohibiting the proposed pond in excess of one acre would prevent reasonable utilization of the site’s natural features and size, despite the fact that the pond is compatible with a large residential parcel and would enhance stormwater management, aesthetics, and environmental quality. Together, these restrictions impose a practical difficulty that limits otherwise permitted residential use without advancing the intent of the zoning ordinance.”

B. Regarding the proposed Variance:

(1) Without the proposed variance, the petitioners would not be able to create a lot with the area they want that would be able to encompass the proposed 3.1-acre pond.

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

16. 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. The special conditions and circumstances cited do not result wholly or partly from any action taken by the applicant. These conditions existed prior to the purchase of the property. The site has not been actively farmed for more than 20 years, and the previous owner established perimeter tree plantings that significantly define the character and suitability of the property as a residential homesite. The size, configuration, and existing natural features of the parcel are inherent to the property and were not created or altered by the applicant.**

The proposed residence and pond are intended to utilize and preserve these existing conditions. The request for variance and special use approval arises from the unique characteristics of the parcel and applicable zoning regulations, not from any self-imposed action or hardship by the applicant.”

- B. The property has not been in row crop production for approximately 20 years. A prior owner planted the perimeter trees and kept the property in grass.
- C. The proposed 3.1-acre pond on the 11.96-lot would exceed the 3-acre maximum lot size on its own leaving no additional area for a home.

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

- 17. 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: **“Granting the requested variance will be in harmony with the general intent and purpose of the zoning ordinance by allowing a reasonable residential use that is compatible with the existing character and physical conditions of the property while maintaining the ordinance’s goals of orderly development and protection of surrounding land uses.**

Approval of the variance will not result in increased density, subdivision, or additional residential units, and therefore will not adversely affect agricultural operations or neighboring properties. There are also comparable semi-rural residential home sites in the general area, demonstrating that the proposed use is consistent with established development patterns.

The proposed residence and pond are consistent with the scale of the parcel and will preserve open space, natural features, and environmental quality. Allowing this use recognized the unique characteristics of the property while upholding the intent of the zoning ordinance to balance responsible development with preservation of rural land, rather than applying regulations in a manner that produces not corresponding public benefit.”

- 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, and also included the rule that 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 would be considered Best Prime Farmland.
 - (1) The proposed 11.96-acre lot meets the current definition of Best Prime Farmland, and therefore a variance is necessary

- D. The proposed 11.96-acre lot is 399% of the required three acre maximum for a variance of 299%.
- E. The property has not been in row crop production for approximately 20 years.
- 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

18. 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: **“Granting the requested variance will not be injurious to the neighborhood nor detrimental to the public health, safety, or welfare. The proposed development consists of a single-family residence on a large, heavily buffered parcel and will not increase density, traffic, noise, or demand for public services beyond what is typical for a permitted residential use.**

The property’s size and existing perimeter tree plantings provide substantial natural buffering from adjacent parcels, minimizing visual and functional impacts. The proposed pond will be located entirely on the subject property and designed in accordance with the applicable engineering and environmental standards, providing benefits such as improved stormwater management, groundwater recharge, and enhanced environmental quality.

The site has not been used for active agriculture for more than 20 years, and the proposed use will not interfere with nearby agricultural operations. Comparable semi-rural home sites exist in the surrounding area, further indicating that the proposed development will be compatible with the neighborhood character. Access, drainage, and utility services will be designed to meet all applicable County and State requirements, ensuring safe and orderly development. As a result, the requested variance will maintain neighborhood compatibility and support the public health safety and welfare.”

- B. The Urbana Township Highway Commissioner has been notified of this variance, and no comments have been received.
- C. The Urbana Township Supervisor has been notified of this variance, and no comments have been received.
- D. The Philo Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

14. Regarding proposed special conditions of approval:

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- C. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- D. **The principal use on the property shall have access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width and located entirely within the lot lines as required in Section 4.2.1 I of the Zoning Ordinance.**

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

That emergency vehicle access is provided.

- E. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance.

DOCUMENTS OF RECORD

1. Application for Special Use Permit received January 26, 2026, with attachment:
 - A Bridgewater Minor Subdivision Preliminary Plat
2. Application for Variance received January 26, 2026, with attachment:
 - A Bridgewater Minor Subdivision Preliminary Plat

- B Letter from Champaign County Department of Public Health
- 2. Preliminary Memorandum dated February 5, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Bridgewater Minor Subdivision Preliminary Plat received January 26, 2026
 - C 2023 Annotated Aerial Photo
 - D 2002/2005 Aerial Photo
 - E Soils Map
 - F Site photos taken March 5, 2026
 - G Summary of Evidence, Finding of Fact, and Final Determination dated February 12, 2026

DRAFT FINDINGS OF FACT FOR CASE 193-S-26

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **193-S-26** held on **March 26, 2026**, the Zoning Board of Appeals of Champaign County finds that:

- 1. The requested Special Use Permit *{IS / IS NOT}* necessary for the public convenience at this location because:
 - a. *The petitioner has testified on the application that the use is necessary to enhance environmental quality, wildlife habitat and aesthetic value to the property.*
- 2. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL NOT / WILL}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:
 - a. The street has *{ADEQUATE / INADEQUATE}* traffic capacity, and the entrance location has *{ADEQUATE / INADEQUATE}* visibility.
 - b. Emergency services availability is *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property, the subject property is located approximately 7.8 road miles from the Philo Fire Protection District station. Notice of these zoning cases was sent to the Philo Fire Protection District, and no comments have been received.*
 - c. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses because:
 - a. *There are residential uses on adjacent properties, and the subject property has not been in agricultural production since 2005 and no complaints have been received.*
 - d. Surface and subsurface drainage will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The petitioners are required to submit a Storm Water Drainage Plan for review by the independent county engineering consultant as well as a Land Disturbance and Erosion Control Permit application prior to construction of the pond.*
 - e. Public safety will be *{ADEQUATE / INADEQUATE}* because:
 - a. *The subject property, the subject property is located approximately 7.8 road miles from the Philo Fire Protection District station. Notice of these zoning cases was sent to the Philo Fire Protection District, and no comments have been received.*

- b. *Notice was also sent to the Urbana Township Supervisor and Road Commissioner, and no comments have been received.*
- f. The provisions for parking will be *{ADEQUATE / INADEQUATE}* because:
 - a. *Sufficient parking exists for the proposed residential use.*
- g. The property *{IS/IS NOT}* WELL SUITED OVERALL for the proposed improvements because:
 - a. *The property contains sufficient area for the proposed pond and single-family residence.*
- h. Existing public services *{ARE/ARE NOT}* available to support the proposed SPECIAL USE without undue public expense because:
 - a. *All services are in place for this property, and no new public services are needed for the proposed use.*
- i. Existing public infrastructure together with the proposed development *{IS/IS NOT}* adequate to support the proposed development effectively and safely without undue public expense because:
 - a. *Adjacent roads have sufficient capacity to handle traffic volumes with no improvements necessary, and no new utilities are required for the proposed use.*

The Board may include other relevant considerations as necessary or desirable in each case.

The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located because:
 - a. The Special Use will be designed to *{CONFORM / NOT CONFORM}* to all relevant County ordinances and codes.
 - b. The Special Use *{WILL / WILL NOT}* be compatible with adjacent uses.
 - c. Public safety will be *{ADEQUATE / INADEQUATE}*.
- 4. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}* in harmony with the general purpose and intent of the Ordinance because:
 - a. The Special Use is authorized in the District.
 - b. The requested Special Use Permit *{IS/ IS NOT}* necessary for the public convenience at this location.
 - c. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* is so designed, located, and proposed to be operated so that it *{WILL / WILL NOT}* be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.

- d. The requested Special Use Permit *{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}* *{DOES / DOES NOT}* preserve the essential character of the DISTRICT in which it is located.
- 5. The requested Special Use *IS NOT* an existing non-conforming use.
- 6. *{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}*

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**

The above special condition is required to ensure the following:

The construction of the pond conforms to the requirements of the Storm Water Management and Erosion Control Ordinance.

- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**

The above special condition is required to ensure the following:

The establishment of the proposed use shall be properly documented as required by the Zoning Ordinance.

- C. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**

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

Conformance with Policy 4.2.3 of the Land Resource Management Plan.

- D. **The principal use on the property shall have access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width and located entirely within the lot lines as required in Section 4.2.1 I of the Zoning Ordinance.**

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

That emergency vehicle access is provided.

- E. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

That exterior lighting for the proposed Special Use meets the requirements established for Special Uses in the Zoning Ordinance

DRAFT FINDINGS OF FACT FOR CASE 194-V-26

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **194-V-26** held on **April 2, 2026**, the Zoning Board of Appeals of Champaign County finds that:

1. Special conditions and circumstances **{DO / DO NOT}** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
 - a. ***The subject property has not been in row crop production since 2005. The perimeter of the property has been in turf grass with rows of trees, and the middle of the property has been in tall grass.***

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 not be able to create a lot with the area they want that would be able to encompass the proposed 3.1-acre pond.***

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The property has not been in row crop production for approximately 20 years. A prior owner planted the perimeter trees and kept the property in grass.***

 - b. ***The proposed 3.1-acre pond on the 11.96-lot would exceed the 3-acre maximum lot size on its own leaving no additional area for a home.***

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. ***The property has not been in row crop production for approximately 20 years.***

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:
 - a. It is the area of the lot that will be left after two 2.99 acre lots are divided off of the existing 17.94-acre lot.

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

FINAL DETERMINATION FOR CASE 193-S-26

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case **193-S-26** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the petitioners, **James and Stephanie Spiros**, to authorize the following:

Authorize a Special Use Permit for the construction of an artificial lake of one or more acres in area in the AG-2 Agriculture Zoning District, per Section 5.2 of the Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

- A. **A complete Storm Water Drainage Plan that conforms to the requirements of the Storm Water Management and Erosion Control Ordinance shall be submitted and approved as part of the Zoning Use Permit approval process and all required certifications shall be submitted after construction prior to issuance of the Zoning Compliance Certificate.**
- B. **A Change of Use Permit application shall be submitted with the Stormwater Drainage Plan.**
- C. **The owners of the subject property hereby recognize and provide for the right of agricultural activities to continue on adjacent land consistent with the Right to Farm Resolution 3425.**
- D. **The principal use on the property shall have access to a street consisting of solid ground passable to emergency vehicles, no less than 20 feet in width and located entirely within the lot lines as required in Section 4.2.1 I of the Zoning Ordinance.**
- E. **The Zoning Administrator shall not authorize a Zoning Use Permit Application or issue a Zoning Compliance Certificate on the subject property until the lighting specifications in Paragraph 6.1.2.A. of the Zoning Ordinance have been met.**

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date

FINAL DETERMINATION FOR CASE 194-V-26

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 **194-V-26** is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}* to the petitioners, **James and Stephanie Spiros**, to authorize the following:

Authorize a variance for a proposed 11.961-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 Zoning Ordinance.

{SUBJECT TO THE FOLLOWING SPECIAL CONDITIONS:}

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

SIGNED:

ATTEST:

Cynthia Cunningham, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date