

CASE NO. 156-V-24

PRELIMINARY MEMORANDUM

October 24, 2024

Petitioners: Curtis & Maranna Binder, Patrice Bonnell

Request: Authorize the following variances:

Part A: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Location: A proposed replat of Lot 155 of the Sixth Plat of Woodard's Heather Hills Subdivision and Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision in the Southwest quarter of the Northwest quarter of Section 2, Township 19N, Range 10E of the Third Principal Meridian in St. Joseph Township with address 2244 Heather Hills Dr. St. Joseph.

Site Area: 3.13 acres

Time Schedule for Development: As soon as possible

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

BACKGROUND

Petitioner Patricia Bonnell, 2203 Heather Hills Dr., St. Joseph, owns the 2.72-acre lot that is Lot 155 of the Sixth Plat of Woodard's Heather Hills Subdivision. Petitioners Curtis and Maranna Binder (Patricia Bonnell's daughter), 2244 Heather Hills Dr., St. Joseph, own the .41-acre lot that is Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision. The petitioners wish divide Lot 155 along the northern property line of Lot 57 creating a 100 feet wide lot on the north that would extend from Heather Hills Dr. to the centerline of the Salt Fork River. The remaining 100 feet wide lot on the south would be combined with Lot 57 creating a second 100 feet wide lot that would extend from Heather Hills Drive to the centerline of the Salt Fork River. The petitioner Patrice Bonnell plans to eventually construct a home on the vacant lot next to her family.

The .41-acre lot was created prior to the adoption of the Champaign County Zoning Ordinance and was subsequently zoned CR-Conservation-Recreation. The lot is non-conforming with regard to lot area and lot width for a property zoned CR and without a connection to a public water and sewer system. The 2.72-acre lot was also created prior to the adoption of the Champaign County Zoning

Ordinance and was subsequently zoned AG-2 Agriculture. It is currently a conforming lot but if it is divided as proposed it will not conform to the lot width requirements for a property without a connection to a public water and sewer system and will require a variance.

Both lots are in the mapped floodplain and as such any new home constructed on the property will be required to obtain a NPDES permit through the EPA for a septic system to serve the home. The petitioner is aware of this requirement and a special condition has been added to the variance.

EXTRATERRITORIAL JURISDICTION

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

The Village of St. Joseph has jurisdiction over subdivisions within their one and one-half mile extraterritorial jurisdiction area. The petitioners' engineer has contacted the Village of St. Joseph regarding subdividing the property.

The subject property is located within St. Joseph 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 St. Joseph Township.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

Direction	Land Use	Zoning
Onsite	Residential, Vacant	AG-2 Agriculture/CR Conservation Rec.
North	Residential	AG-2 Agriculture
East	Residential	AG-1 Agriculture, AG-2 Agriculture
West	Residential, Agriculture	CR Conservation Rec.
South	Residential	AG-2 Agriculture/CR Conservation Rec

PROPOSED SPECIAL CONDITION FOR CASES 156-V-24

The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency.

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

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

ATTACHMENTS

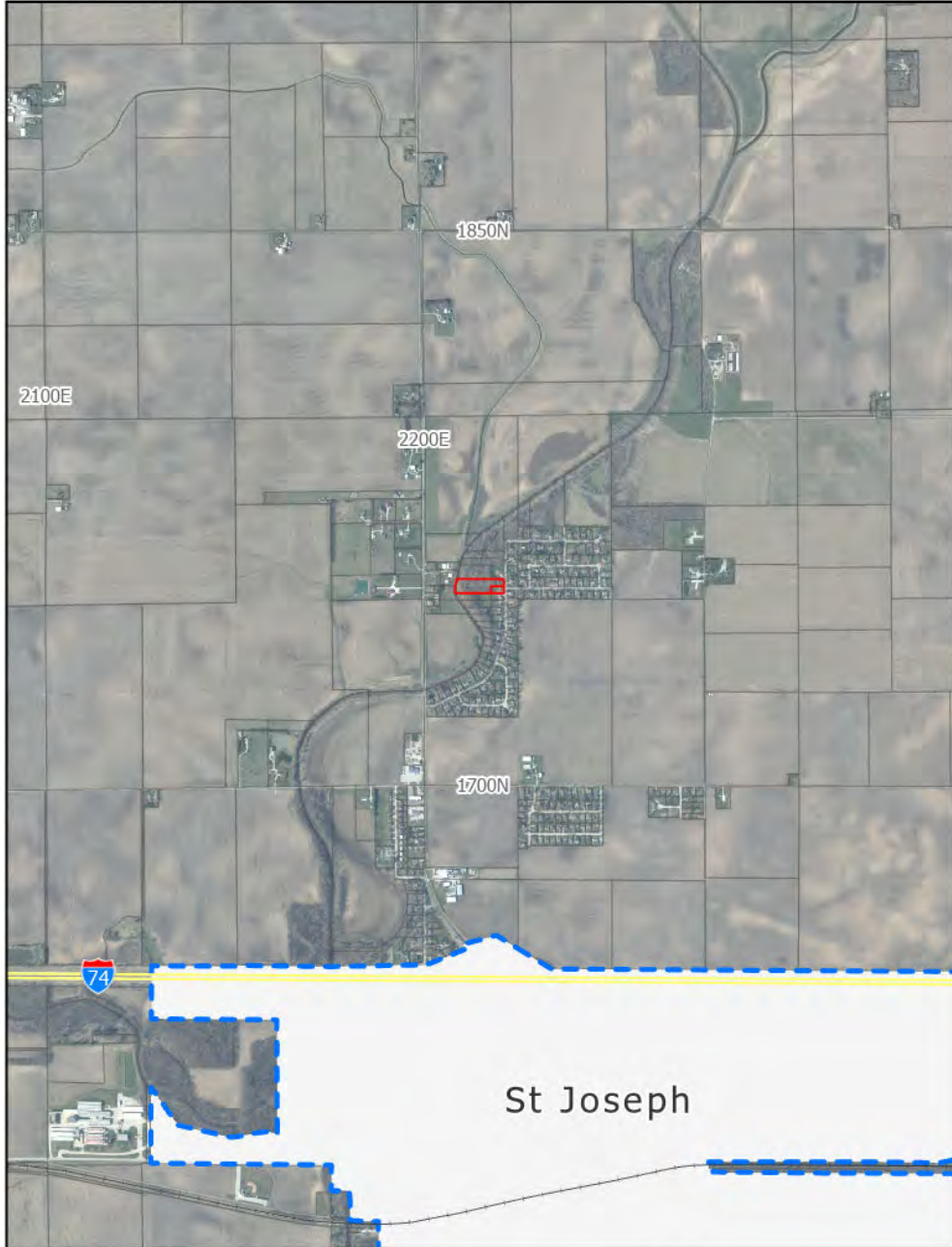
- A Case maps (Location, Land Use, Zoning)
- B Aerial photo showing proposed property lines received September 20, 2024
- C Draft Re-Plat of Lot 57 and 155 received September 20, 2024
- D Flood Zone map
- E Site Images taken October 23, 2024
- F Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 156-V-24 dated October 31, 2024



Location Map

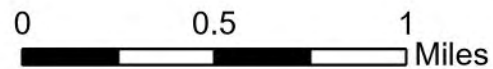
Case 156-V-24

October 31, 2024

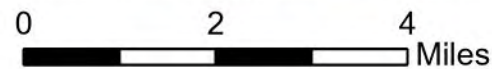
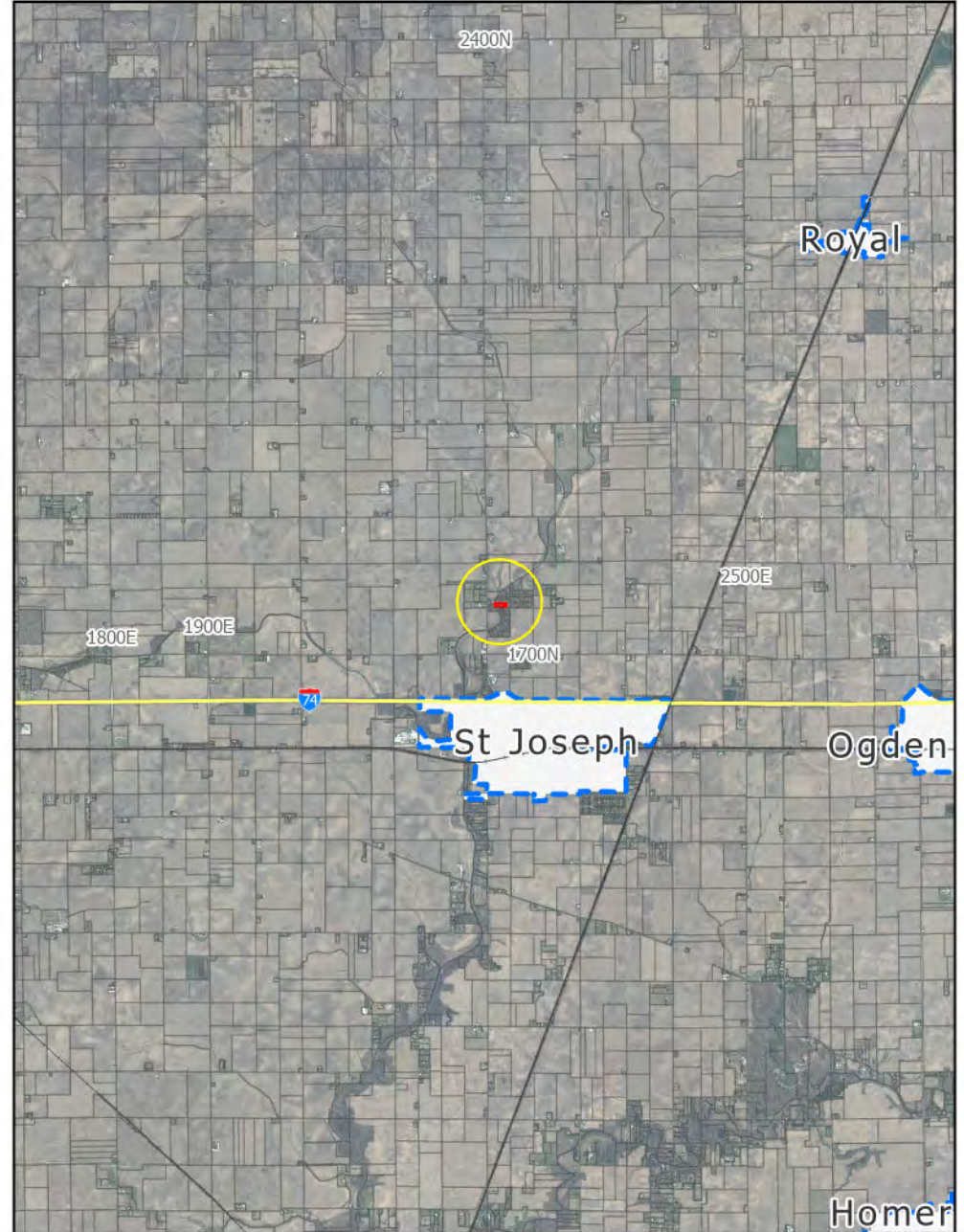
Subject Property



-  Subject Property
-  Municipal Boundary



Property Location in Champaign County



N

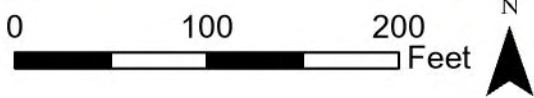


Land Use Map

Case 156-V-24
October 31, 2024



-  Subject Property
-  Agriculture/Residential
-  Residential



PLANNING &
ZONING



- AG-1 Agriculture
- AG-2 Agriculture*
- CR Conservation & Recreation

*Case 130-AM-75 Changed all Zoning Districts
In Heather Hills 4th, 5th and 6th Subs
to the AG-2 Zoning District as of 01/20/76

0 100 200 Feet

PLANNING & ZONING

GIS Webmap Public Interface Champaign County, Illinois

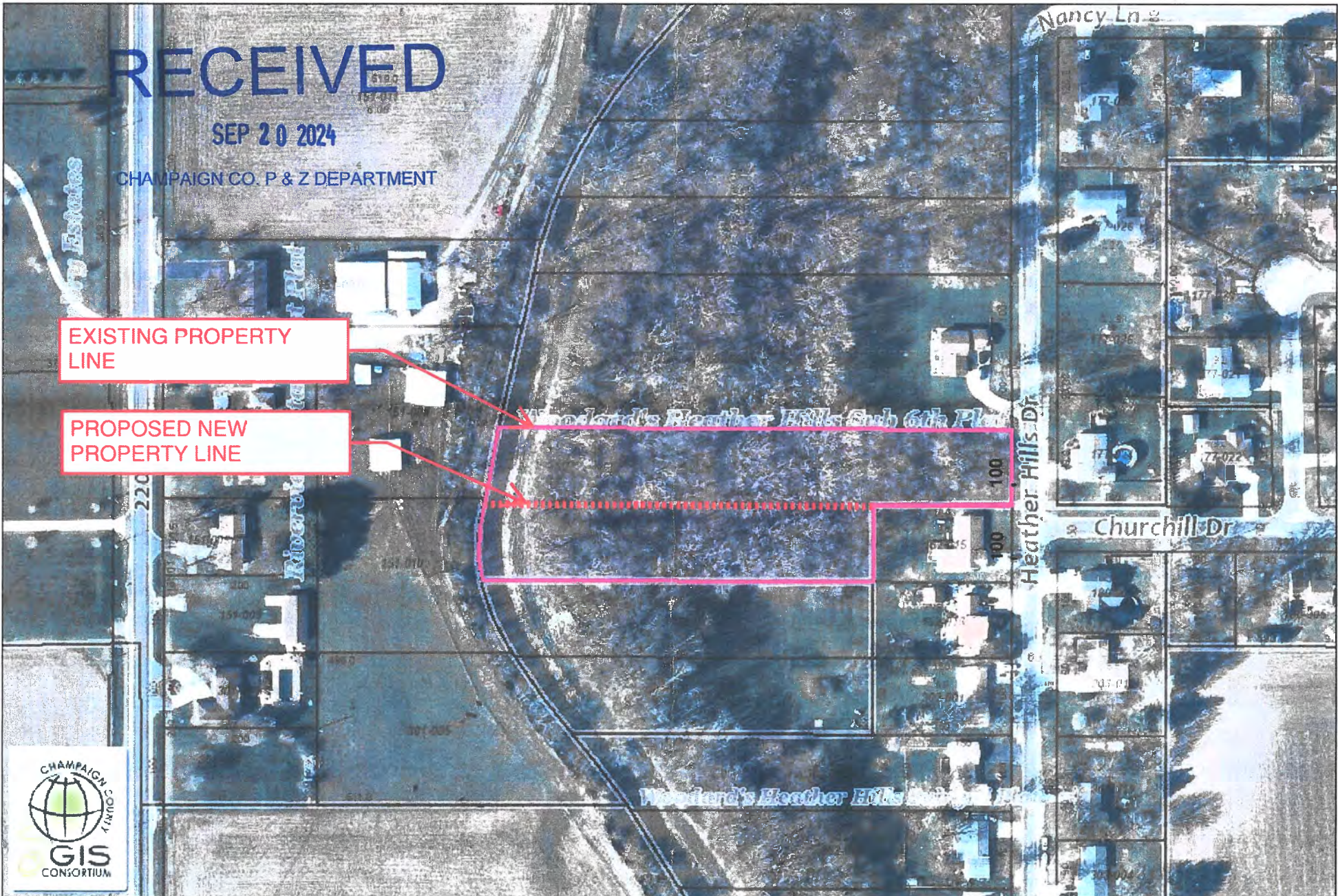
RECEIVED

SEP 20 2024

CHAMPAIGN CO. P & Z DEPARTMENT

EXISTING PROPERTY LINE

PROPOSED NEW PROPERTY LINE



110 Feet



PRESENTED FOR RECORDING BY
RETURN TO:

RECEIVED
SEP 20 2024
CHAMPAIGN CO. P & Z DEPARTMENT

SPACE RESERVED FOR
RECORDER'S STAMP

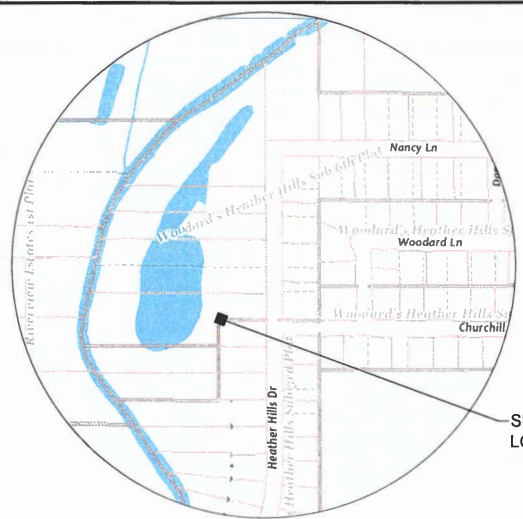
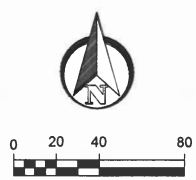
BINDER-BONNELL REPLAT OF LOT 57 AND LOT 155

PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 19 NORTH,
RANGE 10 EAST, OF THE THIRD PRINCIPAL MERIDIAN,
VILLAGE OF ST. JOSEPH, ILLINOIS
CHAMPAIGN COUNTY, ILLINOIS

SUBDIVIDER/OWNER
MARANNA & CURTIS BINDER
2244 HEATHER HILLS DRIVE
ST. JOSEPH, IL 61873

PATRICE L. BONNELL
2203 HEATHER HILLS DRIVE
ST. JOSEPH, IL 61873

SURVEYOR/ENGINEER
PRECISION ENGINEERING GROUP, INC.
P.O. BOX 784
CHAMPAIGN, IL 61824-0784
PH. 217.202.8049



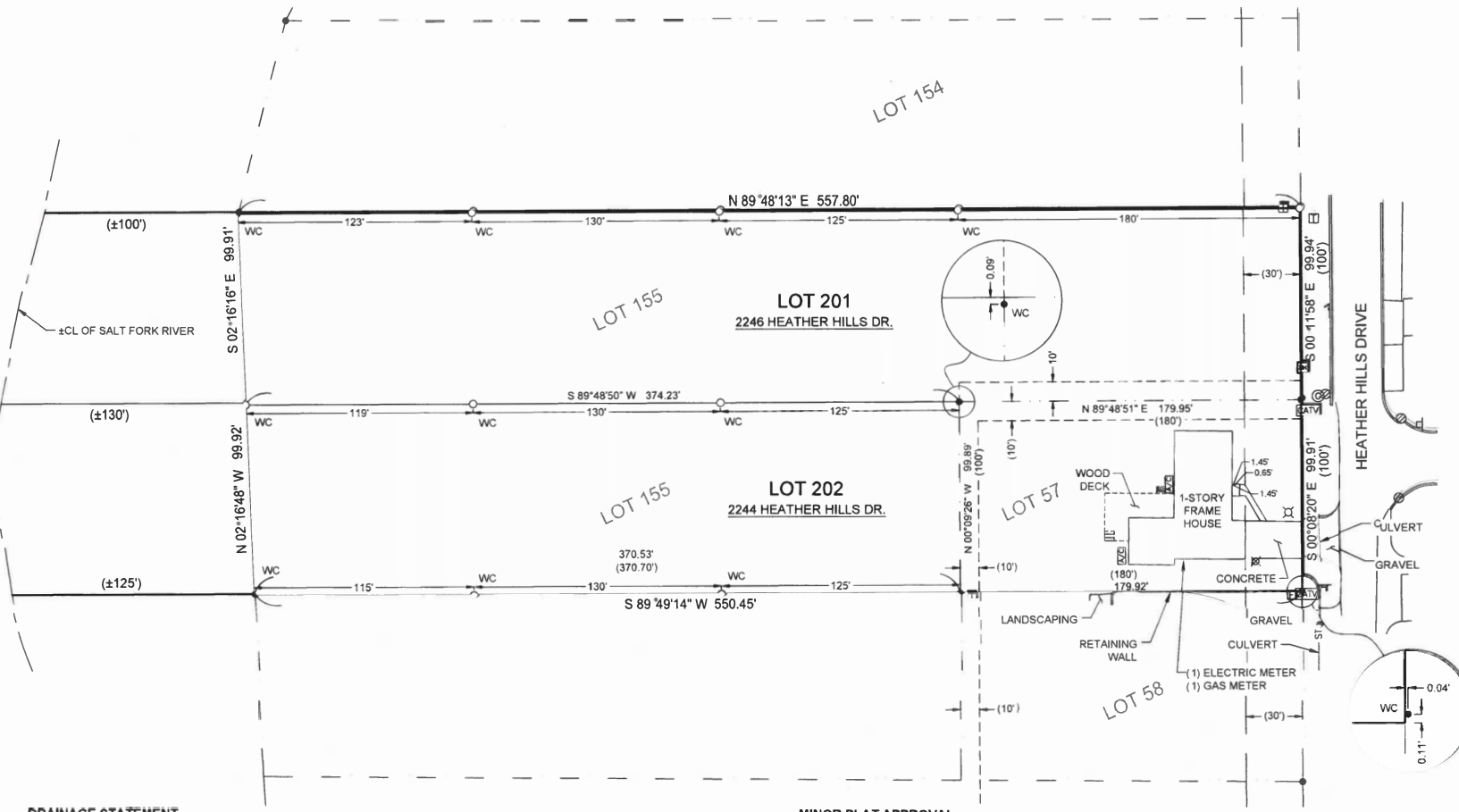
VICINITY MAP
N.T.S.

LEGEND

- BOUNDARY OF TRACTS SURVEYED
- PROPOSED LOT LINE
- - - EXISTING LOT LINE
- - - EASEMENT LINE
- - - SETBACK LINE
- (N 00°00'00" E 100.00')
- N 00°00'00" E 100.00'
- FOUND IRON ROD
- SET 1/2" x 30" IRON ROD WITH PLASTIC CAP "PEG"
- WC WITNESS CORNER
- 1401 LOT ADDRESS
- P.O.B. POINT OF BEGINNING
- ☐ TELEPHONE PEDESTAL
- ☐ AIR CONDITIONING UNIT
- ☒ POST
- ☒ LIGHT POST
- ☒ ELECTRIC PEDESTAL
- ☒ CABLE TELEVISION PEDESTAL
- ☒ SIGN
- ☒ STORM MANHOLE
- ☒ GAS VALVE
- ☒ MAILBOX

SURVEYOR'S NOTES

- Field work was completed for this project on August 2, 2024.
- This professional service conforms to the current Illinois Minimum Standards for a Boundary Survey.
- The subdivision is located within 1.5 miles of the corporate limits of Village of St. Joseph.
- The subdivision is in the boundaries of the Upper Salt Fork Drainage District Main.
- All required public improvements including storm sewer, storm water management, storm water detention, water main, streets, sidewalks, and sanitary sewer systems are existing and were constructed in accordance with the Village of St. Joseph and Champaign County standards within easements as necessary at the time of the subdivision developments.
- All dimensions are horizontal distances and are between adjacent monuments unless otherwise noted.
- Part of this property is in the Special Flood Hazard Area as defined by FEMA.
This tract of land is located in Zone(s) "A" on the Special Flood Hazard Area identified for the County of Champaign, Illinois, by the Federal Emergency Management Agency on the Flood Insurance Rate Map, Panel Number 17019C0350D, dated October 2, 2013.
- Tract does not lie within 500 feet of a point on a water course draining over 640 acres.
- Easements are general utility easements and building setbacks are shown from recorded subdivision plats.
- All bearings shown on this plat of survey are on the Illinois State Plane, East Zone (NAD 83) coordinate system.
- Addresses shown on proposed lots 201 and 202 are per County GIS Consortium.



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 an 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 Date
Illinois Licensed Professional Engineer No. 062.056290
License Expires 11/30 25

Owner: Maranna Binder Date

Owner: Curtis Binder Date

Owner: Patrice Bonnell Date

MINOR PLAT APPROVAL

APPROVED
THE MINOR SUBDIVISION FINAL PLAT ENTITLED BINDER-BONNELL REPLAT OF LOT 57 AND LOT 155 HAS RECEIVED APPROVAL BY THE BOARD OF TRUSTEES OF THE VILLAGE OF ST. JOSEPH, ILLINOIS. THIS PLAT SHALL BE RECORDED WITH THE RECORDER OF DEEDS, CHAMPAIGN COUNTY, ILLINOIS, WITHIN 90 DAYS OF THIS DATE. OTHERWISE THIS PLAT SHALL BECOME VOID.

PRESIDENT, BOARD OF TRUSTEES DATE

VILLAGE CLERK DATE

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 the owners, Curtis L. Binder, Maranna Binder and Patrice L. Bonnell, I have caused a Survey to be made and a Plat to be drawn under my direct supervision of the following described tracts of land:

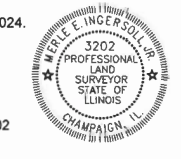
A tract of land as part of the Northwest Quarter of Section 2, Township 19 North, Range 10 East of the Third Principal Meridian, Village of St. Joseph, Champaign County, Illinois, more particularly described as follows:

Lot 57 in the Third Plat of Woodard's Heather Hills Subdivision as per Plat recorded in Book "U" at Page 17 and Lot 155 in Sixth Plat Woodard's Heather Hills Subdivision as per Plat recorded in Book "X" at Page 111 on Documents 72R06900 at the Champaign County Recorder's Office, Champaign County, Illinois.

For said owners 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 hundredths 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 Binder-Bonnell Replat of Lot 57 and Lot 155.

Signed and sealed this 20th day of September, 2024.

Merle E. Ingersoll, Jr.
Illinois Professional Land Surveyor No.035.003202
License Expires November 30, 2024



REV. #	REV. DATE	REVISION MADE:
DATE:	09/20/24	SCALE: AS SHOWN
FIELD BOOK:	57/p. 67-72	DRAWN BY: MAM
CHECKED BY:	MEI	

PLAT OF SURVEY		
BINDER-BONNELL REPLAT OF LOT 57 AND LOT 155 PART OF SEC. 2, T.19 N., R. 10 E., 3rd P.M. CHAMPAIGN COUNTY, ILLINOIS		
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		FILE # 48624001 SHEET 1 OF 1

File Name: S:\000\Projects\106_Curtis and Maranna Binder\10624001 Binder-Bonnell Lot 57 and 155 Replat\CD\10624001 REPLAT.dwg

Flood Zone 2013 Map

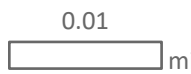
Case 156-V-24
October 31, 2024

2023

Case 156-V-24, ZBA 10/31/24, Attachment D Page 1 of 1



Champaign County GIS Consortium, DFIRM



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



156-V-24 Site Images



From Heather Hills Dr. facing northwest to Subject Property



From Heather Hills Dr. facing west to Subject Property.

156-V-24 Site Images



From the north of the Subject Property Dr. facing south along Heather Hills Dr.



From Heather Hills Dr. facing west to Subject Property

PRELIMINARY DRAFT

156-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}*

Petitioners: **Curtis & Maranna Binder, Patrice Bonnell**

Request: **Authorize the following variances:**

Part A: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Table of Contents

General Application Information..... 2
Required Variance.....2-3
Specific Ordinance Requirements.....3-5
Variance Evidence5 - 9
Documents of Record..... 10
Case 156-V-24 Findings of Fact.....11-12
Case 156-V-24 Final Determination 13

PRELIMINARY DRAFT

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. Petitioner Patricia Bonnell, 2203 Heather Hills Dr. St. Joseph, owns the 2.72-acre lot that is Lot 155 of the Sixth Plat of Woodard's Heather Hills Subdivision.
 - A. Petitioners Curtis and Maranna, 2244 Heather Hills Dr., St. Joseph, own the .41-acre lot that is Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision.
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 St. Joseph, a municipality with zoning. Municipalities do not have protest rights on a variance and are not notified of such cases.
 - B. The Village of St. Joseph has jurisdiction over subdivisions within their one and one-half mile extraterritorial jurisdiction area. The petitioners' engineer has contacted the Village of St. Joseph regarding subdividing the property.
 - C. The subject property is located within St. Joseph 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 2.72-acre subject property is zoned AG-2 Agriculture and is a vacant wooded lot.
 - B. The .41-acre subject property is zoned CR-Conservation-Recreation and is in use as a single-family residence.
 - C. Land to the north of the subject properties is zoned AG-2 Agriculture and is in use as residential.
 - D. Land to the south of the subject properties is zoned AG-2 Agriculture and CR Conservation-Recreation and is in use as residential.
 - E. Land to the east of the subject properties is zoned AG-2 Agriculture and AG-1 Agriculture and is in use as residential.
 - F. Land to the west of the subject properties is zoned CR Conservation-Recreation and is in use as residential and agriculture.

GENERALLY REGARDING THE PROPOSED SITE PLAN

4. The Site Plan for the subject properties is a draft Re-plat of Lot 57 and Lot 155
 - A. The petitioners propose to divide Lot 155 along the northern property line of Lot 57.

PRELIMINARY DRAFT**Case 156-V-24**

Page 3 of 13

- B. There is one single family residence on the .41-acre Lot 57, with address 2244 Heather Hills Dr.
- (1) The single-family residence was constructed prior to the adoption of the Champaign County Zoning Ordinance in October 1973.
 - (2) Zoning Use Permit 242-17-01FP was approved in 2017 to construct an addition to the home.
- C. The .41 acre received an administrative variance (Case 889-AV-17) for a side yard of 13.5 feet in lieu of the required 15 in the CR district for an addition on the rear of the existing home.
- D. The petitioners wish divide Lot 155 along the northern property line of Lot 57 creating a 100 feet wide lot on the north (Proposed lot 201) that would extend from Heather Hills Dr. to the centerline of the Salt Fork River. The remaining 100 feet wide lot on the south would be combined with Lot 57 creating a second 100 feet wide lot (Proposed lot 202) that would extend from Heather Hills Drive to the centerline of the Salt Fork River.
- E. The requested variances are as follows:
- (1) Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.
 - (2) Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

5. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
- (1) “AREA, LOT” is the total area within the LOT LINES.
 - (2) “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.
 - (3) “LOT LINES” are the lines bounding a LOT.
 - (4) “LOT WIDTH, AVERAGE” is the LOT AREA divided by the LOT DEPTH or, alternatively, the diameter of the largest circle that will fit entirely within the LOT LINES.
 - (5) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or

PRELIMINARY DRAFT

amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.

- (6) “PARCEL” is a designated tract of land entered as a separate item on the real estate tax assessment rolls for the purpose of taxation.
 - (7) “PLAT” is a map, plan or layout showing the SUBDIVISION of land and indicating the location and boundaries of individual LOTS.
 - (8) “NONCONFORMING LOT, STRUCTURE or USE” is a LOT, SIGN, STRUCTURE, or USE that existed on the effective date of the adoption or amendment of this ordinance which does not conform to the regulations and standards of the DISTRICT in which it is located.
 - (9) “SUBDIVISION” is any division, development, or re-subdivision of any part, LOT, area or tract of land by the OWNER or agent, either by LOTS or by metes and bounds, into LOTS two or more in number, for the purpose, whether immediate or future, of conveyance, transfer, improvement, or sale, with the appurtenant STREETS, ALLEYS, and easements, dedicated or intended to be dedicated to public use or for the use of the purchasers or OWNERS within the tract subdivided. The division of land for AGRICULTURAL purposes not involving any new STREET, ALLEY, or other means of ACCESS, shall not be deemed a SUBDIVISION for the purpose of the regulations and standards of this ordinance.
 - (10) “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. The AG-2, Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominantly 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.
 - C. The CR Conservation Recreation DISTRICT is intended to protect the public health by restricting development in areas subject to frequent or periodic floods and to conserve the natural and scenic areas generally along the major stream networks of the COUNTY.
 - D. The minimum lot area requirement for the AG-2 District is established in Section 5.3 of the Zoning Ordinance as 20,000 square feet, exclusive of right-of-way.
 - E. The minimum average lot width requirement for the AG-2 District is established in Section 5.3 of the Zoning Ordinance as 100 feet.
 - F. The minimum lot area requirement for the CR District is established in Section 5.3 of the Zoning Ordinance as 1 acre, exclusive of right-of-way.

PRELIMINARY DRAFT**Case 156-V-24****Page 5 of 13**

- G. The minimum average lot width requirement for the CR District is established in Section 5.3 of the *Zoning Ordinance* as 200 feet.
- H. Requirements for new lots without a connection to a public water supply system and without a connection to a public sanitary sewer system are established in Section 4.3.4 of the *Zoning Ordinance*. Lots created after September 21, 1993, are required to be a minimum of 30,000 square feet in area for the first dwelling unit and have an average lot width of 150 feet.
- I. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
 - a. That special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district.
 - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
 - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
 - d. That the granting of the variance is in harmony with the general purpose and intent of the *Ordinance*.
 - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
 - (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.
- J. 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: **“Heather Hills is uniquely zoned and the current ‘L’ shaped lot would not conform if it was created again today. We are looking to break the ‘L’ shape into a simple rectangle thus creating two regular shaped lots. Both parties desire this simplification of lots”**
 - B. The two existing lots were platted prior to the adoption of the Champaign County *Zoning Ordinance* in October of 1973.

PRELIMINARY DRAFT

- C. The .41-acre lot with address 2244 Heather Hills Dr. is zoned CR and has an average lot width of 100 feet and an area of .41 acres, which is less than the required 200 feet and 1 acre minimum in the CR District and is therefore non-conforming. Dividing the adjacent lot as proposed would add approximately 1.17 acres in area to the existing lot making it conform to minimum lot area requirement, however a variance is required for a lot with an average lot width of 100 feet in lieu of the required 200 feet for lots in the CR District.
- D. The .41-acre lot also has an average lot width of 100 feet and an area of 18,000 square feet which is less than the 150 feet width and 30,000 square feet required for lots without a connection to public water and sewer. Dividing the adjacent lot as proposed would add approximately 1.17 acres in area to the existing lot making it conform to minimum lot area requirement, however a variance is required for a lot with an average lot width of 100 feet in lieu of the required 150 feet for lots without a connection to a public water and sewer system.
- E. The current 2.72-acre lot currently conforms to the requirements of the Zoning Ordinance. Dividing the lot as proposed would reduce the average lot widths of the resulting lot to 100 feet and require a variance for a lot with an average lot width of 100 feet in lieu of the required 150 feet for lots without a connection to a public water and sewer system.
- F. The petitioners seek to divide the 2.72-acre lot and add additional area to the .41 acre lot so that both resulting properties have access to the Salt Fork River.

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: **“We would like to be able to care for and maintain the property that is directly west of us rather than have it as a separate property separating us from the waterway.”**
 - B. Without the variance the petitioners would not be able to divide the 2.72-acre lot as proposed giving both properties access to the Salt Fork River.

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 petitioners purchased the .41-acre non-conforming property zoned CR in 2015. Adding additional area will make the lot more conforming as to the 1-acre lot area requirement in the CR district and the 30,000 square foot lot area requirement for lots without a connection to public water and sewer.

PRELIMINARY DRAFT**Case 156-V-24****Page 7 of 13**

- C. The petitioner purchased the 2.72-acre property in 2023 with the intention of building a new house on the property in order to be next door to family. Dividing the lot as proposed would give both lots access to the Salt Fork River but requires a variance for lot width for a newly created lot without a connection to a public water or sewer system.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioners testified the following on the application: **“The requested division of property would create two rectangular lots rather than an awkward and hard to distinguish ‘L’ shape.”**
- B. The minimum lot dimensions for lots in the CR District were established with the adoption of the Champaign County Zoning Ordinance on October 10, 1973. The .41-acre lot was already existing at that time and is considered a non-conforming lot as to area and width. Changing the boundary of the lot requires the new lot to conform to the Zoning Ordinance or to receive a variance for any standard which it cannot meet. The new lot will conform to the Zoning Ordinance requirement for minimum area but will require a variance for minimum lot width.
- C. The minimum lot dimension for lots without a connection to a public water and sewer system requirement was established by Ordinance No. 448 (Case 847-AT-93) on September 21, 1993. The .41-acre lot was already existing at that time and is considered a non-conforming lot as to area and width. Changing the boundary of the lot requires the new lot to conform to the Zoning Ordinance or to receive a variance for any standard which it cannot meet. The new lot will conform to the Zoning Ordinance requirement for minimum area but will require a variance for minimum average lot width.
- D. Similarly, the minimum lot dimension for lots without a connection to a public water and sewer system requirement was first established by Ordinance No. 448 (Case 847-AT-93) on September 21, 1993. Changing the boundary of the 2.72-acre lot and reducing its average lot width requires the new lot to conform to the Zoning Ordinance or to receive a variance for any standard which it cannot meet. The new lot will conform to the Zoning Ordinance requirement for minimum area but will require a variance for minimum average lot width.
- E. In regard to accommodating onsite wastewater treatment and disposal:
- a. The .41-acre lot with the existing home has a functioning septic system.
- b. A special condition has been added below to ensure that a new home constructed on the proposed Lot 201 will comply with Champaign County Health Department or other applicable agency regulations for wastewater disposal.
- F. Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the minimum lot area requirement, other considerations are as follows:
- a. Adequate light and air: both subject properties will have a large rear yard and any new home constructed will be at least 20 feet away from the nearest home based on

PRELIMINARY DRAFT

County yard requirements. There are many residential lots in the Heather Hills neighborhood that have similar lot widths.

- b. Separation of structures to prevent conflagration: The subject property is within the St. Joseph-Stanton Fire Protection District and the station is approximately 1.8 road miles from the subject property. The nearest residence would be at least 20 feet away from any home constructed on Lot 201.
 - c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective. Many other lots in the Heather Hills neighborhood have similar lot widths.
- G. Proposed lot 201 will have an average lot width of 100 feet which is 67% of the required 150 feet, for a variance of 33%.
 - H. Proposed lot 202 will have an average lot width of 100 feet which is 67% of the required 150 feet, for a variance of 33%
 - I. 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: **“My mother, Pat Bonnell, has purchased the Lot 155 and has already started to clean up the mess the previous owner made. All the neighbors are happy as the previous owner did nothing and junk had accumulated over the years. As we work together, the improved appearance is only adding to the appeal of our neighborhood”.**
 - B. The Upper Salt Ford Drainage District has been notified of this variance, and no comments have been received.
 - C. The St. Joseph Township Highway Commissioner has been notified of this variance, and no comments have been received.
 - D. The St. Joseph Township Supervisor has been notified of this variance, and no comments have been received.
 - E. The St. Joseph-Stanton Fire Protection District has been notified of this variance, and no comments have been received.
 - F. The St. Joseph Township Plan Commission has been notified of this variance, and no comments have been received.

PRELIMINARY DRAFT

Case 156-V-24
Page 9 of 13

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: **“We are simply looking to create two rectangular lots that are more in line with everything else in our neighborhood.”**
 - B. There are several residential lots to the south of the subject properties along Heather Hills Dr. that have an average lot width of 100 feet.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

12. Regarding proposed special conditions of approval:
 - A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency.**

The above special condition is required to ensure the following:

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

PRELIMINARY DRAFT

DOCUMENTS OF RECORD

1. Application for Variance received September 20, 2024, with attachments:
 - A Aerial Photo showing proposed property lines received September 20, 2024
 - B Draft Re-Plat of Lot 57 and 155 received September 20, 2024

2. Preliminary Memorandum dated October 24, 2024, with attachments:
 - A Case maps (Location, Land Use, Zoning)
 - B Aerial photo showing proposed property lines received September 20, 2024
 - C Draft Re-Plat of Lot 57 and 155 received September 20, 2024
 - D Flood Zone map
 - E Site Images taken October 23, 2024
 - F Draft Summary of Evidence, Summary Draft Finding of Fact, and Final Determination for Case 156-V-24 dated October 31, 2024

PRELIMINARY DRAFT**SUMMARY DRAFT FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **156-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. ***Regarding variance Part A, the proposed lot 201 will conform to Section 4.3.4 with regard to lot area but requires a variance for minimum average lot width.***
 - b. ***Regarding variance Part B, the proposed lot 202 will conform to Section 4.3.4 and Section 5.2 with regard to lot area but requires a variance for average lot width.***
 - c. ***Both lots were platted prior to the adoption of the Champaign County Zoning Ordinance.***
 - d. ***Existing Lot 57 of the Third Plat of Woodard's Heather Hills Subdivision is located in the CR Zoning District and is close to but does not front the Salt Fork River.***
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 variance the petitioners would not be able to divide the 2.72-acre lot as proposed, giving both properties access to the Salt Fork River.***
3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The existing lots were platted prior to the adoption of the Zoning Ordinance and neither existing lot conforms very closely to the minimum lot requirements or intent of their respective zoning districts and the applicants had nothing to do with the original platting or existing zoning district regulations.***
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. ***A special condition has been added to ensure that the undeveloped lot can accommodate onsite wastewater treatment and disposal.***
 - b. ***There is adequate light and air on the subject property, and sufficient distance to prevent conflagration.***
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.***
 - b. ***Neighboring landowners were notified of the variance, and no comments have been received.***

PRELIMINARY DRAFT

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 create the rectangular lots desired by the petitioners while giving both properties access to the Salt Fork River.***

7. ***{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:}***
 - A. **The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency.**

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

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

PRELIMINARY DRAFT

FINAL DETERMINATION

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C *{HAVE/HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **156-V-24** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Curtis & Maranna Binder and Patrice Bonnell**, to authorize the following variances:

Part A: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the AG-2 Agriculture Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

Part B: Authorize a variance for a proposed lot with an average lot width of 100 feet in lieu of the minimum required 150 feet average lot width for a lot without a connection to public water and sewer, in the CR Conservation Recreation Zoning District, per Section 4.3.4 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

- A. The Zoning Administrator shall not issue a Zoning Use Permit for a dwelling on the property until the applicant has received an approved permit for a private sewage disposal system from the Champaign County Health Department or other applicable agency.**

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

That any dwelling on the property conforms to County regulations for private sewage disposal systems.

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