

CASE 185-V-25

PRELIMINARY MEMORANDUM

February 5, 2026

Petitioner: Toby Brown and Elise Riehle

Request: Authorize a variance for two existing lots with an average lot width of 160 feet in lieu of the of the minimum required average lot width of 200 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

Location: Two lots totaling 5.56 acres. The property is located in the Southeast ¼ of the Southwest ¼ of Section 35, Township 21 North, Range 7 East of the Third Principal Meridian, the West ½ of the Fractional Northeast Quarter of Section 2, and the Northeast ¼ of the Southeast ¼ of Fractional Section 2, in Township 20 North, Range 7 East of the Third Principal Meridian in Newcomb and Mahomet Townships, with an address of 401 E CR 2425N, Mahomet.

Site Area: 5.56 acres

Time Schedule for Development: Currently in use

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

BACKGROUND

The petitioners **Toby Brown and Elise Riehle** own the 5.56-acre lot that contains an existing single-family residence, and a proposed 24x40 ft. storage building. The lot was created in 1976, and the petitioners purchased the property in 2014. A Zoning Use Permit Application (ZUPA) was approved on October 21, 1976, for construction of the single-family home and attached garage. ZUPA #36-20-01 was approved March 19, 2020, for an existing covered deck addition to the single-family home. It was noted at that time that the lot did not conform to the required minimum average lot width of 200 ft. and the previous permit should not have been approved. The petitioners were informed that any future permits would require that an Application for Variance be submitted before the permit could be approved. The petitioners submitted a ZUPA for the proposed storage building and an Application for Variance on November 20, 2025.

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

EXTRATERRITORIAL JURISDICTION

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

The subject property is located within both Mahomet and Newcomb Townships, which both have Plan Commissions. Townships with Plan Commissions have protest rights on a variance and receive notification of such cases.

EXISTING LAND USE AND ZONING

Table 1. Land Use and Zoning in the Vicinity

| Direction | Land Use | Zoning |
|------------------|-------------------------|----------------------------|
| Onsite | Single Family Residence | CR Conservation-Recreation |
| North | Single Family Residence | CR Conservation-Recreation |
| East | Single Family Residence | CR Conservation-Recreation |
| West | Single Family Residence | CR Conservation-Recreation |
| South | Undeveloped/Wooded | CR Conservation-Recreation |

SPECIAL CONDITIONS

No special conditions are proposed.

ATTACHMENTS

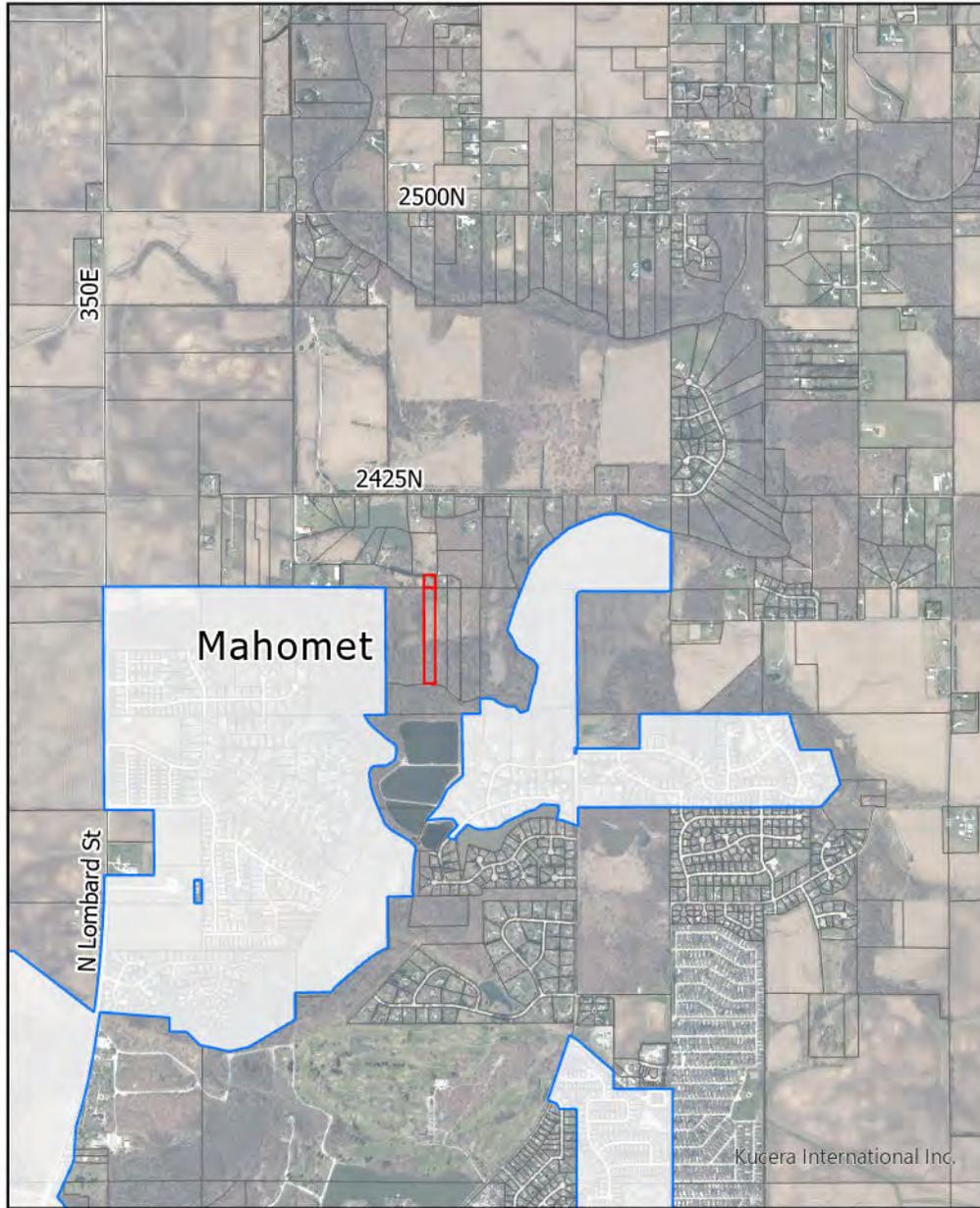
- A Case Maps (Location, Land Use, Zoning)
- B Site Plan for ZUPA 324-25-01 received November 20, 2025
- C 2023 Annotated Aerial Photo
- D Flood Zone Map
- E Site Images taken February 4, 2026
- F Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 185-V-25 dated February 12, 2026

Location Map

Case 185-V-25

February 12, 2026

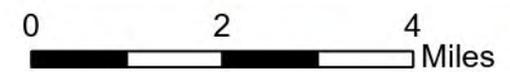
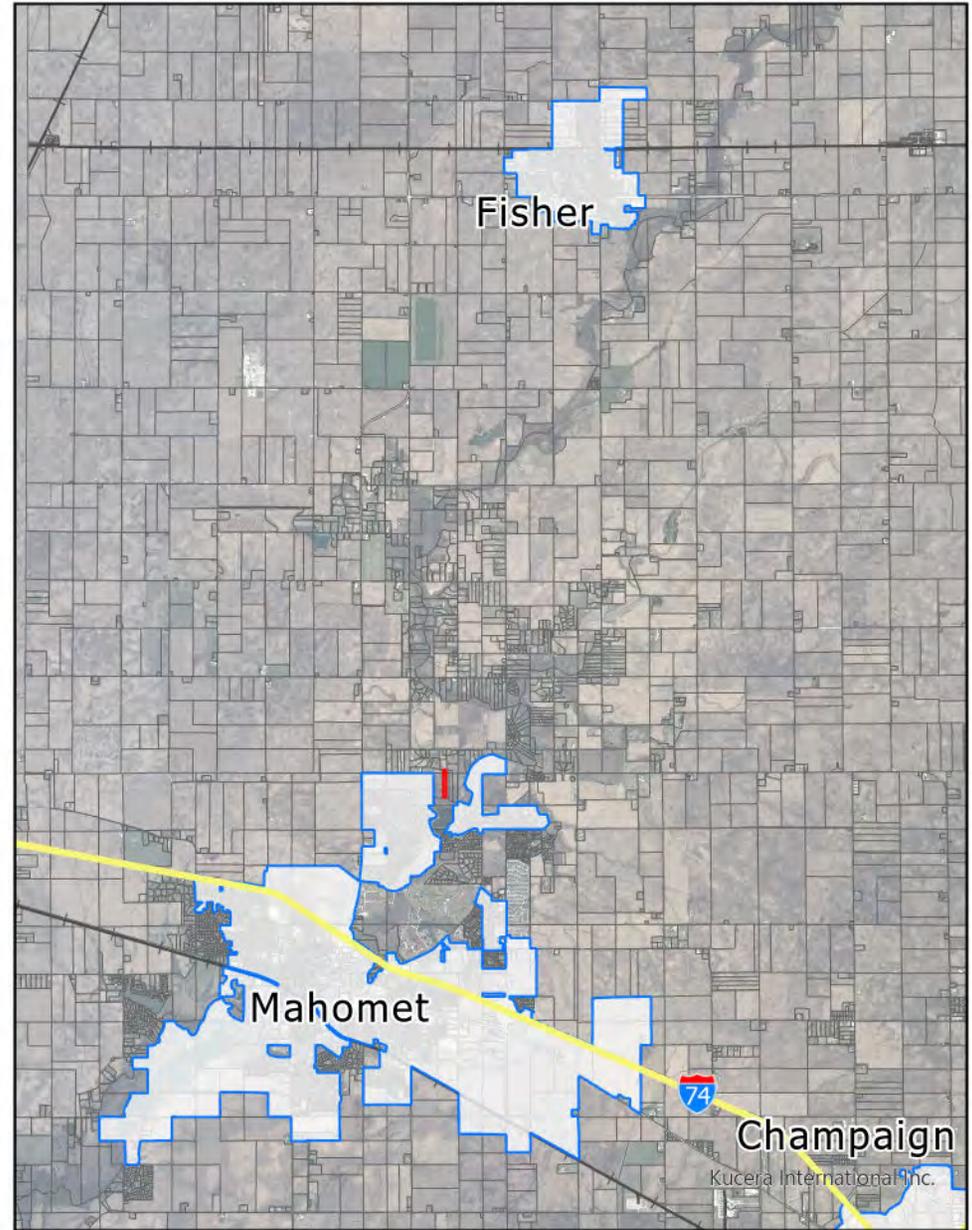
Subject parcel



 Subject Parcels



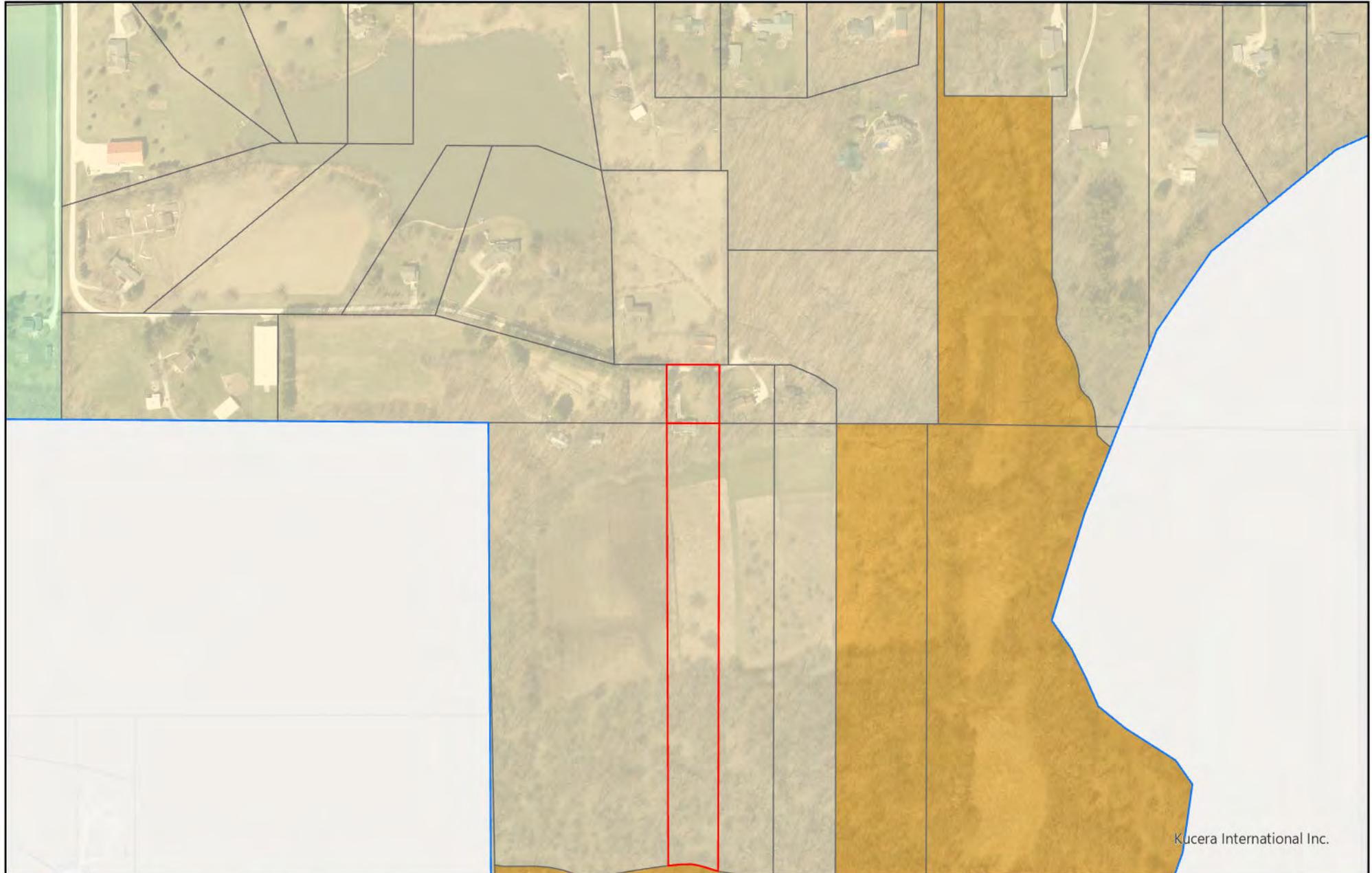
Parcel location in Champaign County



Land Use Map

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February 12, 2026



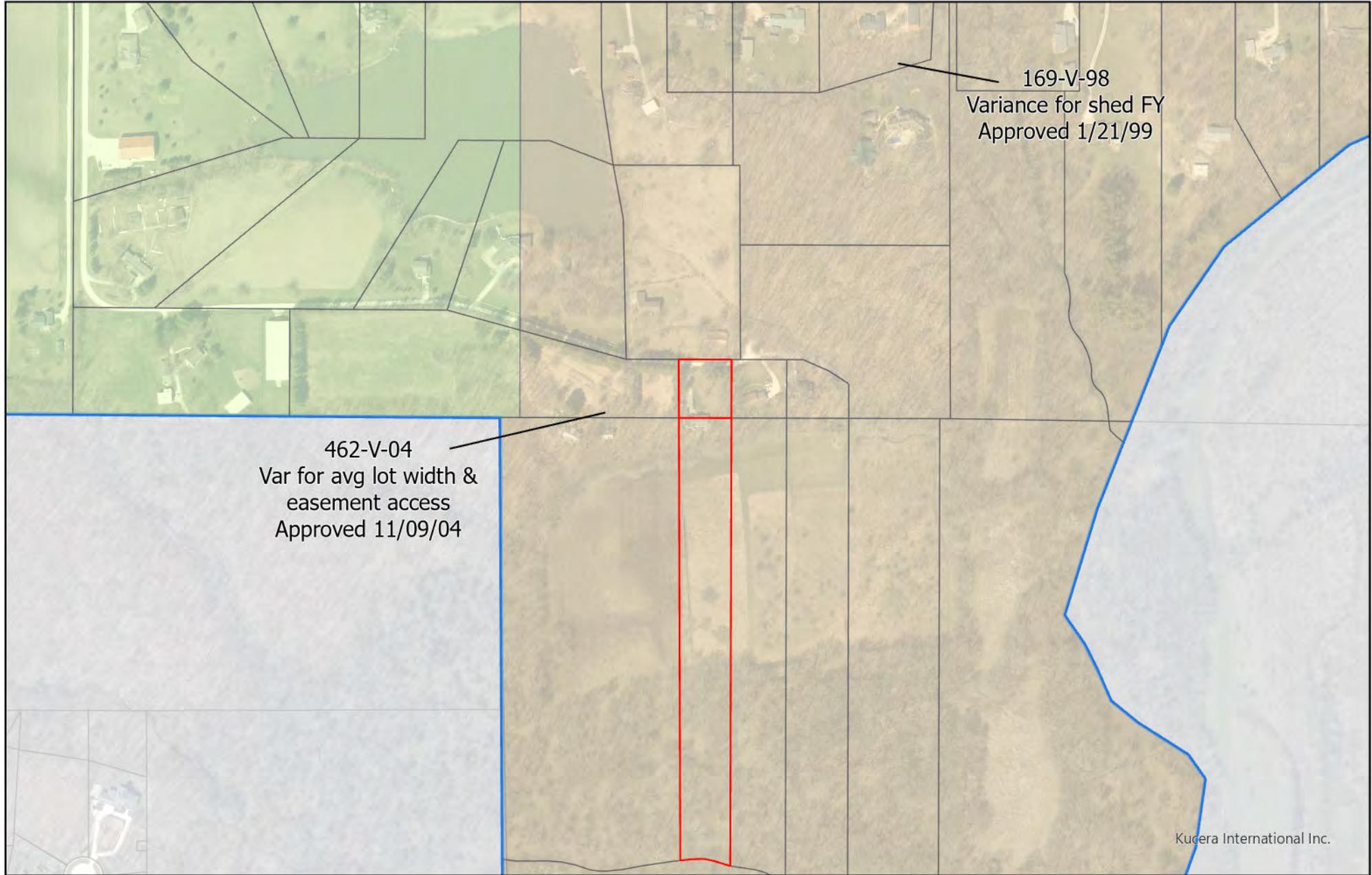
-  Subject Parcels
-  Agricultural
-  Vacant Tract
-  Residential
-  Village of Mahomet

0 400 800 Feet

Zoning Map

Case 185-V-25

February 12, 2026



-  Subject Parcels
-  CR Conservation-Recreation
-  AG-1 Agriculture
-  Village of Mahomet



Annotated 2023 Aerial

Case 185-V-25

February 12, 2026



 Subject Parcels  Village of Mahomet

0 300 600
Feet

Kucera International Inc.

PLANNING &
ZONING

Flood Map

Case 185-V-25
February 12, 2026

Flood Zones: 2023 Aerial



Kucera International Inc., Champaign County GIS Consortium, DFIRM

0.04
mi

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.



185-V-25 Site Images



From the private drive looking east toward subject property



From the private drive looking west

185-V-25 Site Images



From the private drive looking southwest toward subject property



From the private drive looking south toward subject property

PRELIMINARY DRAFT

185-V-25

**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: ***{February 12, 2026}***

Petitioner: **Toby Brown and Elise Riehle**

Request: **Authorize a variance for two existing lots with an average lot width of 160 feet in lieu of the of the minimum required average lot width of 200 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Champaign County 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 **November 13, 2025**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Toby Brown & Elise Riehle, 401E CR 2425N Mahomet, are the owners of the two lots totaling 5.56 acres. The property is located in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, Township 21 North, Range 7 East of the Third Principal Meridian, the West $\frac{1}{2}$ of the Fractional Northeast Quarter of Section 2, and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Fractional Section 2, in Township 20 North, Range 7 East of the Third Principal Meridian in Newcomb and Mahomet Townships, with an address of 401 E CR 2425N, Mahomet.
2. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
 - A. The subject property is located within the one and one-half mile extraterritorial jurisdiction of a municipality with zoning.
 - B. The subject property is located within Newcomb and Mahomet Townships, which have Plan Commissions. Townships with Plan Commissions have protest rights on a variance and are notified of such cases.

GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY

4. Land use and zoning on the subject property and in the vicinity are as follows:
 - A. The existing 5.56-acre subject property is zoned CR Conservation-Recreation and is in use as residential.
 - B. Land to the north, east and west is zoned CR Conservation-Recreation and is in use as residential.
 - C. Land to the south is zoned CR Conservation-Recreation and is undeveloped and wooded.
5. There are no prior Zoning Cases for the subject property, but the following are previous variances in the vicinity:
 - A. Case 462-V-04 was approved April 28, 2005, for a proposed lot directly west of the subject property to allow a variance for a lot 160 feet in average lot width and that does not abut a public street.

GENERALLY REGARDING THE PROPOSED SITE PLAN

5. Regarding the site plan for the subject property:
 - A. The site plan consists of the site plan received with Zoning Use Permit Application 252-25-01 dated November 20, 2025:
 - (1) Existing structures on the property include:
 - a. One single family dwelling
 - b. One 12 x 14-foot yard shed
 - (2) Proposed structure:

- a. The petitioners are proposing to construct a 24 x 40-foot detached storage building.
 - b. A Zoning Use Permit Application for the storage building was approved after the Variance Application was submitted.
- B. Previous Zoning Use Permits for the subject property include:
- (1) ZUPA #275-76-02 was approved on October 21, 1976, for construction of the single-family home and attached garage.
 - (2) ZUPA #36-20-01 was approved March 19, 2020, for a covered deck addition to the single-family home.
 - (3) ZUPA #324-25-01 was approved December 11, 2025, for a 24x40 foot detached storage building
- C. The requested variance is for an average lot width of 160 feet in lieu of the minimum required 200 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Zoning Ordinance.

GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS AND ZONING PROCEDURES

6. Regarding specific *Zoning Ordinance* requirements relevant to this case:
- A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested variances (capitalized words are defined in the Ordinance):
- (1) “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.
 - (2) “LOT LINES” are the lines bounding a LOT.
 - (3) “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.
 - (4) “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 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.
- C. Paragraph 9.1.9 D. of the *Zoning Ordinance* requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9C. of the *Zoning Ordinance* states that a variance from the terms of the *Champaign County Zoning Ordinance* shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:

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- 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.
 - (3) Paragraph 9.1.9 E. of the *Zoning Ordinance* authorizes the ZBA to prescribe appropriate conditions and safeguards in granting a variance
- D. The minimum average lot width requirement for the CR District is established in Section 5.3 of the Zoning Ordinance as 200 feet.

GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT

7. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner testified the following on the application: **“All homes on our lane were subdivided and sold for residential development and have similar sized lots and structures”**
 - B. The subject property was created by deed on June 16, 1976, and did not meet the minimum required lot width required by the Zoning Ordinance.
 - C. A Zoning Use Permit (ZUP) was approved in error on October 21, 1976, for construction of the single-family home and attached garage. A variance for average lot width should have been required prior to ZUP approval.
 - D. A covered porch addition was constructed without a permit prior to 2020. The petitioner submitted a ZUPA for the covered porch which was subsequently approved with the condition that no further Zoning Use Permits would be approved for construction on the property without submitting an application for a variance for lot width.
 - E. The subject property is in an existing residential neighborhood which has other similar sized lots.

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

8. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioners testified the following on the application: **“Our home was already constructed when we purchased the home in 2014.”**
 - B. Regarding the proposed variance for an average lot width of 160 feet in lieu of the minimum required 200 feet: without the proposed variance, the petitioner would have to purchase additional land from surrounding landowners, but no land is for sale.

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

9. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioners testified the following on the application: **“No. we were not privy to the issue when we purchased the home.”**
 - B. The petitioners purchased the property in 2014 in its current configuration and were not aware of the 200 feet lot width requirement.
 - C. A Zoning Use Permit was approved in error for the construction of the home on a lot that did not meet the standards of the Zoning Ordinance.

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

10. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioners testified the following on the application: **“We are requesting the variance now to have our home legally zoned and approved. This will enable future construction or renovations on our property.”**
 - B. Regarding the proposed variance for an average lot width of 160 feet in lieu of the minimum required 200 feet: the requested variance is 80% of the minimum required, for a variance of 20%.
 - C. Regarding the proposed variance for average lot width:
 - (1) Since the adoption of the Zoning Ordinance on October 10, 1973, the CR District has always required a minimum average lot width of 200 feet.
 - (2) Besides the importance of accommodating onsite wastewater treatment and disposal as part of the basis for the average lot width requirement, other considerations are as follows:
 - a. Adequate light and air: the nearest building to the proposed storage building is approximately 23 feet away.
 - b. Separation of structures to prevent conflagration: The subject property is within the Cornbelt Fire Protection District and the station is approximately

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3.5 road miles from the subject property. The nearest residence is approximately 23 feet east of the proposed shed.

- c. Aesthetics: Aesthetic benefit may be a consideration for any given yard and can be very subjective.
- D. The existing lot exceeds the minimum average width required of 150 feet for lots that are not connected to public water or sewer.
- E. The requested variance is not prohibited by the *Zoning Ordinance*.

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

- 11. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
 - A. The Petitioners testified the following on the application: **“We live in a well established neighborhood and will not impact the existing conditions, locations or homes surrounding our property”**.
 - B. The Mahomet and Newcomb Township Highway Commissioners have been notified of this variance, and no comments have been received.
 - C. The Mahomet and Newcomb Township Supervisors have been notified of this variance, and no comments have been received.
 - D. The Mahomet and Newcomb Township Planning Commissions have been notified of this variance, and no comments have been received.
 - E. The Cornbelt Fire Protection District has been notified of this variance, and no comments have been received.

GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE

- 12. Generally regarding and other circumstances which justify the Variance:
 - A. The petitioner did not provide a response.

GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL

- 13. **No special conditions are proposed at this time.**

DOCUMENTS OF RECORD

1. Application for Variance received November 20, 2025, with attachments:
 - A Site plan showing the existing structures and proposed detached storage building received November 20, 2025, as part of Zoning Use Permit 324-25-01
 - B Warranty Deed Recorded with the Champaign County Recorder of Deeds document # 2014R13396

2. Preliminary Memorandum dated February 5, 2026, with attachments:
 - A Case Maps (Location, Land Use, Zoning)
 - B Site Plan for ZUPA 324-25-01 received November 20, 2025
 - C 2023 Annotated Aerial Photo
 - D Site Images taken February 4, 2026
 - E Draft Summary of Evidence, Finding of Fact, and Final Determination for Case 185-V-25 dated February 12, 2026

SUMMARY DRAFT FINDINGS OF FACT

From the documents of record and the testimony and exhibits received at the public hearing for zoning case **185-V-25** held on **February 12, 2025**, 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 lot did not conform to the Zoning Ordinance’s minimum average lot width requirement when it was created from a larger tract in 1976.***
 - b. ***The property is in a residential neighborhood that has other similarly sized lots and is bordered on both sides by existing lots.***

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 rebuild their house if it were to be damaged or destroyed.***
 - b. ***No additional land is available on either side of the property.***

3. The special conditions, circumstances, hardships, or practical difficulties **{DO / DO NOT}** result from actions of the applicant because:
 - a. ***The lot was created in 1976, which was prior to the petitioner’s purchase of the property in 2014.***
 - b. ***A Zoning Use Permit for the existing house was approved in 1976.***

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. ***There is adequate light and air and separation from adjacent structures.***

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. ***The lot has existed since 1976, and no additional land is available on either side.***

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

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 **185-V-25** is hereby *{GRANTED/ GRANTED WITH CONDITIONS/ DENIED}* to the petitioners, **Toby Brown and Elise Riehle**, to authorize the following:

Authorize a variance for two existing lots with an average lot width of 160 feet in lieu of the of the minimum required average lot width of 200 feet in the CR Conservation-Recreation Zoning District, per Section 5.3 of the Champaign County Zoning Ordinance.

{SUBJECT TO THE FOLLOWING CONDITION(S):}

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

SIGNED:

ATTEST:

Ryan Elwell, Chair
Champaign County Zoning Board of Appeals

Secretary to the Zoning Board of Appeals

Date