

CASE # 2005-06
RESOLUTION NUMBER 21

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3061 & 3065 WINCH ROAD
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Finding of Facts and recommendation that the Sangamon County Board **grant an amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Thomas Everhart**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow lot area of .90 acre instead of the required 1 acre for 2 parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 17, 2005**, after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been met; and

WHEREAS, the Sangamon County Zoning Board of Appeals has presented to the Sangamon County Board of Sangamon County its Findings of Fact and Recommendation that the Sangamon County Board **grant the amendment and variances; and**

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Board of Appeals.

FILED

FEB 25 2005

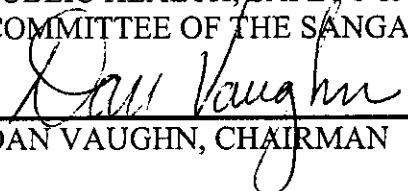
Joe Diello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of March, 2005 that the request to rezone the above described property from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow lot area of .90 acre instead of the required 1 acre for 2 parcels is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of March, 2005.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Southwest Quarter of Section Seven, Township Sixteen North, Range Five West of the Third Principal Meridian, bounded as follows: Beginning at the Southeast corner of said Quarter Quarter Section and running thence North 208.70 feet; thence West parallel with the South line of said Quarter Quarter Section 417.40 feet; thence South parallel with the East line of said Quarter Quarter Section, 208.70 feet and thence East along the South line of said Quarter Quarter Section 417.40 feet to the place of beginning, except a Strip of land on the East side thereof, dedicated for public road purposes.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: **Harry "Tom" Fraase, Jr.**

DOCKET NUMBER: **2005-06**

ADDRESS: **3061 & 3065 Winch Road, Springfield, IL. 62707**

PETITIONER: **Thomas Everhart**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow lot area of .90 acre instead of the required 1 acre for 2 parcels.**

AREA: **1.94 acre**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The area is residential in character and the standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2005-06
Thomas Everhart))
)	PROPERTY LOCATED AT:
)	3061 & 3065 Winch Road
)	Springfield, IL. 62707
))

RECOMMENDATION OF THE BOARD OF APPEALS

THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **February 17, 2005** pursuant to law; and that said Board took testimony of witnesses, examined the evidence, and otherwise being fully advised in the premises, therefore finds as follows:

1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in or contract to purchase the property commonly known as **3061 & 3065 Winch Road, Springfield, IL. 62707** and more particularly described as:

See **EXHIBIT A**

3. That the present zoning of said property is "A" Agricultural District.
4. That the present land use of said property is **Single Family Residence and 1 mobile home.**
5. That the proposed land use of said property is **2 Single Family Residences.**
6. That the requested **rezoning and variances** of said property is: **from "A" to "R-1" with a variance to allow the lot depth to exceed 2 1/2 times the lot width and a variance to allow lot area of .90 acre instead of the required 1 acre for 2 parcels.**
7. That required findings and standards of the Sangamon County Board of Appeals are accurately stated on the attached exhibit (s).
8. The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **rezoning and variances** are in the public interest and is not solely in the interest of the petitioner (s).

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning and variances** be **approved.**

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Don Wulf** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Patrick Somers.**

The vote of the Board was as follows:

YES: **John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT: **Charles Chimento, Donn Malwick, Barbara Braner**

R.D. Ann Sherry
RECORDING SECRETARY

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CASE #: 2005-06
 INDEX #: 14-07-377-022
 DATE: 1-28-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Everhart, Thomas
 ADDRESS: 3061 and 3065 Winch Road TWP. 16N RANGE 5 W SEC. 7 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Springfield

EXISTING ZONING: A PROPOSED ZONING: R-1 with Variance*
 LAND AREA: 1.94 acre ROAD FRONTAGE: 208 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single Family Residence and One Mobile Home
 PROPOSED LAND USE: Two Single Family Residences
 TYPE OF STRUCTURE: Residential/Mobile Home CONDITION OF STRUCTURE: Good
 EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.
 SPOT ZONING: X
 Yes No

NEARBY LAND USE:
 a. To North Single Family Residences
 b. To South Single Family Residences
 c. To East Single Family Residences
 d. To West Single Family Residences

OTHER COMMENTS: * Variance is requested to allow the lot depth to exceed 2 ½ times the lot width and to allow lot area of .90 acre instead of the required one acre for two parcels.

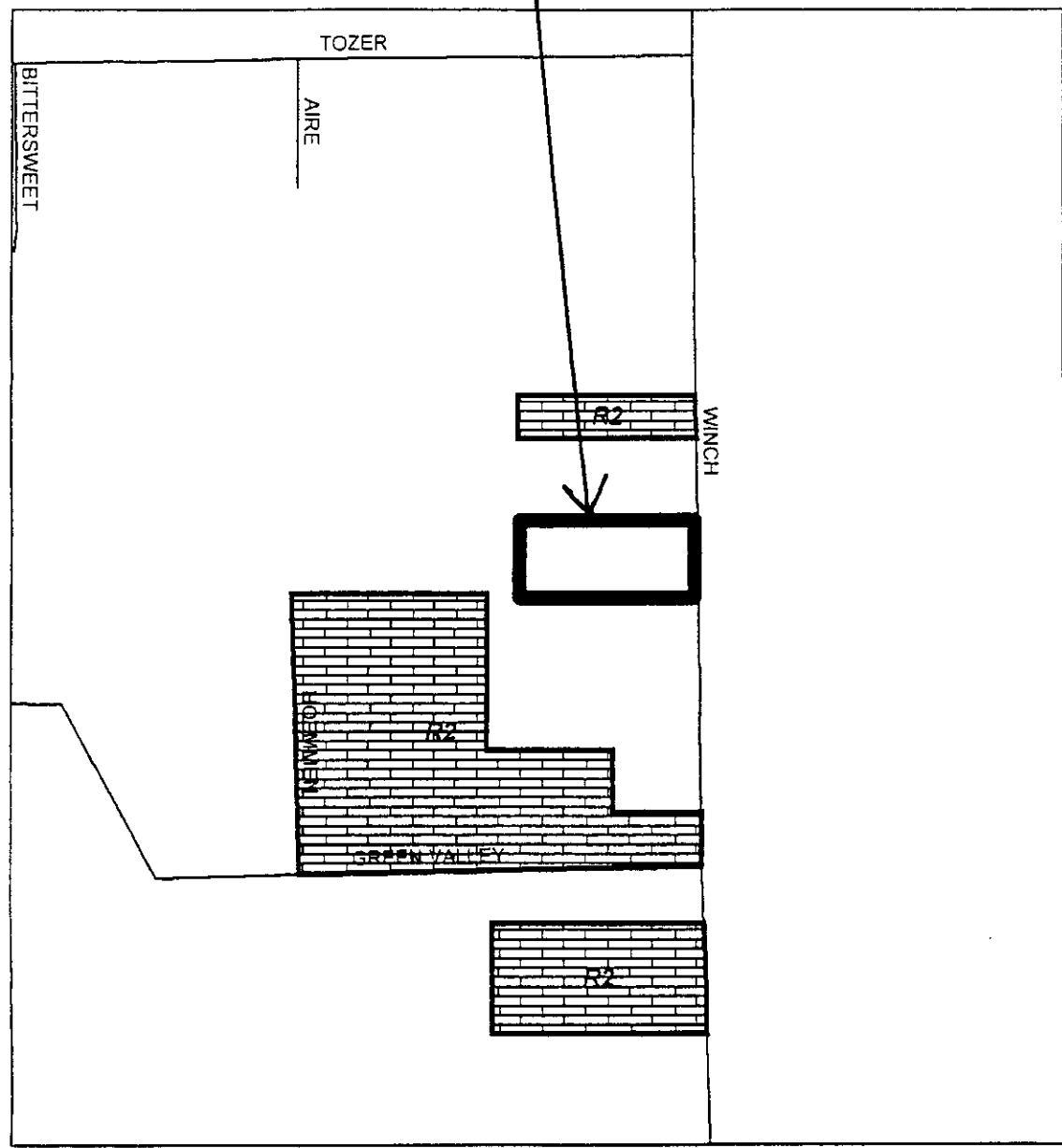
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling, density	X			
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: **Recommend approval. The area is residential in character and the standards for variation are met.**

County Zoning

Case# 2005-06

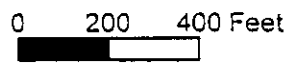


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



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N



RECOMMENDED FINDINGS OF FACT

Case #: **2005-06**

Address: **3061 and 3065 Winch Road**

- (i) Existing uses of property within the general area of the property in question.

The area is developed with single family residences.

- (ii) The zoning classification of property within the general area of the property in question.

There is A zoning in all directions. Further north and further southwest is R-2.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The Land Evaluation and Site Assessment score of 65 indicates the property is suitable for non-agricultural development.

- (iv) The trend of development, within the vicinity since the property was originally classified.

The area has developed residentially.

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RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2005-06**

Address: **3061 and 3065 Winch Road**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of this ordinance be varied as authorized in F. (1) hereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the property in question cannot be economically used or yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.

The request is made to facilitate division of the property.

- (ii) that the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area.

There are two existing homes on the property. The County Health Department finds the request acceptable.

- (iii) that the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

No

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Parcel # 14-07-377-022

Zoning Case # 2005-06

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	5
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	NA
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	65
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative Value</u>	<u>Points</u>
8D3	Hickory	Important		55	
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime		77	
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime		100	
45	Denny	Prime		77	
50	Viriden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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Parcel # 14-07-377-022

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74	Radford	Prime*	87
77	Huntsville	Prime*	95
107	Sawmill	Prime*	87
112	Cowden	Prime	77
119D	Elco	Important	72
119D3	Elco	Important	55
119E3	Elco	Non-prime	52
131C	Alvin	Prime	77
131D	Alvin	Prime	77
131E2	Alvin	Important	55
134A	Camden	Prime	90
134B	Camden	Prime	77
134C2	Camden	Important	72
134D3	Camden	Important	55
138	Shiloh	Prime	87
198	Elburn	Prime	100
199A	Plano	Prime	95
199B	Plano	Prime	90
208	Sexton	Prime	77
212D3	Thebes	Important	55
242	Kendall	Prime	77
244	Hartsburg	Prime	87
249	Edinburg	Prime	77
259C	Assumption	Prime	77
259D2	Assumption	Important	72
280B	Fayette	Prime	77
280C2	Fayette	Important	72
280D2	Fayette	Important	72
280D3	Fayette	Important	55
284	Tice	Prime*	90
451	Lawson	Prime*	95
551F	Gosport	Non-prime	0
567C	Elkhart	Prime	77
567D2	Elkhart	Important	72
684B	Broadwell	Prime	87
684C2	Broadwell	Prime	77
685B	Middletown	Prime	77
685C2	Middletown	Important	72
801	Orthents	Non-prime	0

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL

GRAND TOTAL 65

Fewer than 150 points shall be deemed acceptable for non-agricultural development.
 From 150 - 175 points is considered marginal requiring mitigating factors for non-ag development.
 Greater than 175 points shall be considered suitable for agricultural use only.