

CASE # 2005-24  
RESOLUTION NUMBER 11-1

**DENYING A REZONING, GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED  
**12722 OLD ROUTE 54**  
SANGAMON COUNTY, ILLINOIS

WHEREAS, the Zoning Board of Appeals has presented to the Sangamon County Board, Sangamon County, Illinois, its Findings of Fact and Recommendation that the Sangamon County Board **deny an amendment, but grant a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**That portion of the East Half of the Northwest Quarter of Section 28, Township 15 North, Range 7 West of the Third Principal Meridian which lies North of the Right-Of-Way of the Norfolk and Western Railroad**

WHEREAS, the Petitioners, **Joseph T. & Mary Alice Frank**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 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 **deny the rezoning, but in the alternative grant a variance to allow 2 parcels less than 40 acres**; and

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

**FILED**

APR 29 2005

*Joe [Signature]*  
Sangamon County, Ill.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of May, 2005 that the request to rezone the above described property from "A" Agricultural District to "R-1" Single Family Residence District is hereby denied, but a variance to allow 2 parcels less than 40 acres is approved.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of May, 2005.

Respectfully submitted,

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

\_\_\_\_\_  
DAN VAUGHN, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
TYRONE PACE

*Tim Moore*  
\_\_\_\_\_  
TIM MOORE

\_\_\_\_\_  
DON STEPHENS

**ATTEST:**

*Joe DiIullo*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Va. Melo*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig R. Hall**

DOCKET NUMBER: **2005-24**

ADDRESS: **12722 Old Route 54, New Berlin, IL. 62670**

PETITIONER: **Joseph T. & Mary Alice Frank**

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

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence District**

AREA: **20.6 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial as submitted due to Land Evaluation and Site Assessment score of 206 reflecting lack of infrastructure. Although to facilitate division of the existing home from the cropland a lot area variance may be appropriate.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Deny rezoning, but grant a variance to allow 2 parcels less than 40 acres.**

*RT Armstrong/DM*  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS  
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2005-24**  
**Joseph T. & Mary Alice Frank** )  
)  
) PROPERTY LOCATED AT:  
) **12722 Old Route 54**  
) **New Berlin, IL. 62670**  
)

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** 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 **April 21, 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 **12722 Old Route 54, New Berlin, IL. 62670** and more particularly described as:

**That portion of the East Half of the Northwest Quarter of Section 28, Township 15 North, Range 7 West of the Third Principal Meridian which lies North of the Right-of-Way of the Norfolk and Western Railroad.**

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **Vacant, single family residence, agriculture.**
- 5. That the proposed land use of said property is **divide the property into 2 tracts to separate the SFR and farmland.**
- 6. That the requested **rezoning** of said property is: **from "A" to "R-1".**
- 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 not** support the proposition that the adoption of the proposed is 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 be denied, but grant a variance to allow 2 parcels less than 40 acres.**

Charles Chimento / DM  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the **request to rezone the above described property from "A" to "R-1" be denied, but in the alternative recommend a variance to allow 2 parcels less than 40 acres,** which was duly seconded by **Donn Malwick.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RJ Armstrong / DM  
RECORDING SECRETARY

OLD RT 54

.281 acres Highway

.625 acres Highway

.597 acres Highway

27ft

30ft

31ft

29ft

430 ft Frontage

894 ft Frontage

864 ft Frontage

6.665 acres  
-.281 Highway

6.384 Pasture + House

690 ft Field + Pasture

14.192 acres  
-.625 Highway

13.567 Tillable

688.62 ft Frank + Mcard

W

13.756 acres Total  
-.597 Highway

13.161 acres Tillable

Pasture + House

422 ft

899.76 ft

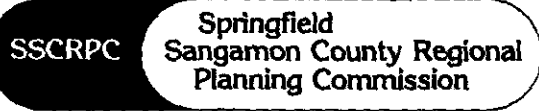
848.84 ft

673.20 Frank + James

698.54 ft Mcard + Kin

Railroad

1166



CASE #: 2005-24  
 INDEX #: 20-28-100-005  
 DATE: 4-7-05  
 INSPECTED BY: DK LW

**ZONING AMENDMENT CHECK LIST**

PETITIONER: Frank, Joseph T. & Mary Alice  
 ADDRESS: 12722 Old Route 54 TWP. 15N RANGE 7 W SEC. 28 ¼ SEC. NW  
 (OR NEAREST IDENTIFIABLE ROAD) TWP. \_\_\_\_\_ RANGE \_\_\_\_\_ W SEC. \_\_\_\_\_ ¼ SEC. \_\_\_\_\_  
 CITY OR VILLAGE OR NEAREST ONE: New Berlin

EXISTING ZONING: A PROPOSED ZONING: R-1  
 LAND AREA: 20.6 acres ROAD FRONTAGE: 1,321 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single Family Residence, and Cropland  
 PROPOSED LAND USE: Single Family Residence and Cropland

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Fair

EXISTING YARDS: Front 40 ft. Side 70/1100 ft. Rear 500 ft.

SPOT ZONING: X  
 Yes No

- NEARBY LAND USE:
- a. To North Single Family Residence, Cropland
  - b. To South Cropland
  - c. To East 2 Single Family Residences, Cropland
  - d. To West Cropland

OTHER COMMENTS:

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			

**SEE ATTACHED PHOTOS**

RECOMMENDATIONS: **Recommend denial as submitted due to Land Evaluation and Site Assessment score of '06 reflecting lack of infrastructure. Although to facilitate division of the existing home from the cropland a lot re variance may be appropriate.**

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Case #: 2005-24

Address: 12722 Old Route 54



Eastern part of property

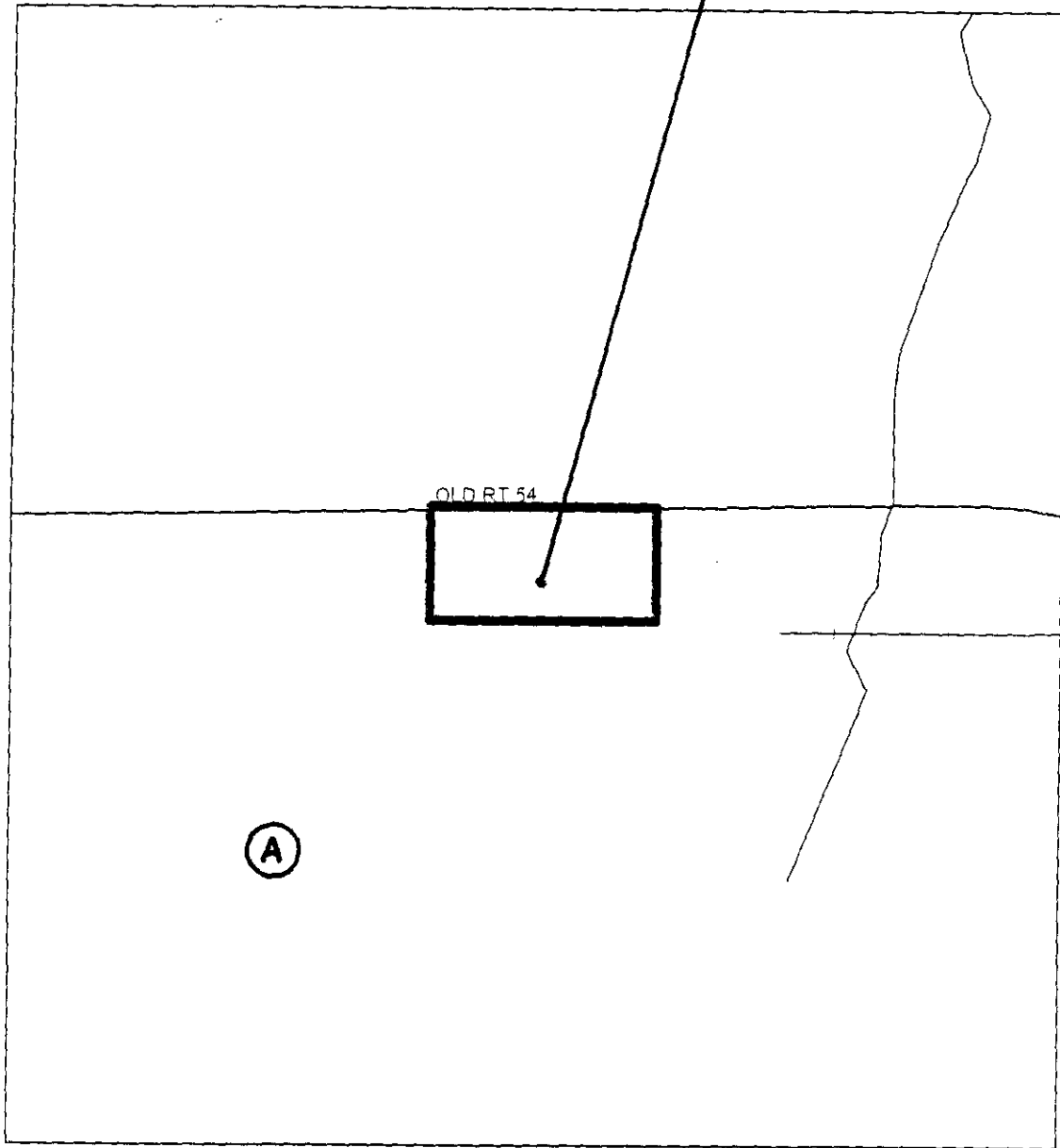


Western part of property



# County Zoning

## Case# 2005-024



### 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

0 500 1,000 Feet





## RECOMMENDED FINDINGS OF FACT

Case #: **2005-24**

Address: **12722 Old Route 54**

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

**The property is surrounded by cropland with a residence to the north and 2 residences to the east.**

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

**The entire area is zoned A.**

- (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 206 reflects prime soil and lack of infrastructure indicating agricultural zoning is appropriate.**

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

**The area has remained stable.**

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

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

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Parcel # 20-28-100-005

Zoning Case # 2005-24

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	<b>15</b>
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>		
<b>Not available</b>	<b>20</b>	<b>20</b>
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	<b>0</b>
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
<b>0-2.5 miles</b>	<b>0</b>	

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

<b>SITE ASSESSMENT TOTAL</b>	<b>115</b>
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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	
<b>43</b>	<b>Ipava</b>	<b>Prime</b>	<b>38</b>	<b>100</b>	<b>38</b>
45	Denny	Prime		77	
50	Virden	Prime		87	
67	Harpster	Prime		87	
<b>68</b>	<b>Sable</b>	<b>Prime</b>	<b>56</b>	<b>95</b>	<b>53</b>
73	Ross	Prime		95	

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Parcel # 20-28-100-005

Zoning Case # 2005-24

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 91**

**GRAND TOTAL 206**

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.**