

CASE # 2005-22
RESOLUTION NUMBER 9-1

**GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3255 YOUNG RD.
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 **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, **Charles Bryant Flatt, Jr.**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District with a variance of the road frontage requirement from 20' to 0' and a variance to allow the lot width to be met greater than 60' from a public road to allow the property to be divided into two tracts; 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 **grant the rezoning and variance; and**

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

FILED

APR 29 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of May, 2005 that the request to rezone the above described property from "A" Agricultural District to "R-1" Single Family Residence District with a variance of the road frontage requirement from 20' to 0' and a variance to allow the lot width to be met greater than 60' from a public road to allow the property to be divided into two tracts is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th 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 Diello

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Northeast Quarter of Section 17, Township 15 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows:

Commencing at the Southeast corner of the Northeast Quarter of said Section 17; thence North 0 degrees 00 minutes East along the East line of the Northeast Quarter of said Section 17, 432.90 feet to an iron pin on the North Right of Way line of the Baltimore and Ohio Railroad; thence South 89 degrees 49 minutes 52 seconds West 250.00 feet to an iron pin at the point of beginning; thence South 89 degrees 49 minutes 52 seconds West 764.21 feet to an iron pin; thence North 0 degrees 00 minutes East 285.00 feet to an iron pin; thence North 89 degrees 49 minutes West 285.00 feet to the point of beginning.

Situated in Sangamon County, Illinois.

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT
▶ As Amended by the Board of Appeals ◀**

Case #: **2005-22**
Address: **3255 Young Road**

(i) Existing uses of property within the general area of the property in question.
To the north is a lake and gravel operation. To the south are single family residences and a mobile home. To the east is a single family residence and an operating engineers training facility. To the west is vacant.

(ii) The zoning classification of property within the general area of the property in question.
To the north and west is I-2. To the east is R-1. To the south is A and R-1.

(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 171 indicates non-ag development may be acceptable if mitigating factors are present. There is an existing home on this tract that was created when a road frontage variance was granted in 1992. Although the parcel is currently landlocked there is a good driveway serving the property over the fathers property.

(iv) The trend of development, within the vicinity since the property was originally classified.
Property to the north, to the west and to the east of Young Road was rezoned to I-2 in 1974. Property to the east was rezoned to R-1 in 1989.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
▶ As Recommended by the Board of Appeals ◀**

Case #: 2005-22

Address: 3255 Young 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.

Circumstances are unique do to the fact that there is a good driveway serving the property over the fathers land

- (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.

9.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2005-22

ADDRESS: 3255 Young Rd., Mechanicsburg, IL. 62545

PETITIONER: Charles Bryant Flatt, Jr.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance of the road frontage requirement from 20' to 0 and a variance to allow the lot width to be met greater than 60' from a public road to allow the property to be divided into two tracts.

AREA: 5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial. Creation of a landlocked parcel is contrary to the intent of the zoning ordinance and cannot be justified.

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: 2005-22
Charles Bryant Flatt, Jr.)	
)	PROPERTY LOCATED AT:
)	3255 Young Rd.
)	Mechanicsburg, IL. 62545
)	

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 **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 **3255 Young Rd., Mechanicsburg, IL. 62545** 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.**
- 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 of the road frontage requirement from 20' to 0' and a variance to allow the lot width to be met greater than 60' from a public road to allow the property to be divided into two tracts.**
- 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 **Marvin Traylor**, based on the amended findings, to recommend to the County Board that the petition be **approved**, which was duly seconded by **John Goleman.**

The vote of the Board was as follows:

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

NO:

ABSENT:

RO Armstrong
RECORDING SECRETARY

gpc

SSCRPC

**Springfield
Sangamon County Regional
Planning Commission**

CASE #: 2005-22

INDEX #: 24-17-200-029

ZONING AMENDMENT CHECK LIST

DATE: 4-11-05

INSPECTED BY: DK LW

PETITIONER: Flatt, Charles Bryant, Jr.

ADDRESS: 3255 Young Road TWP. 15N RANGE 3 W SEC. 17 ¼ SEC. NE
(OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Rochester

EXISTING ZONING: A PROPOSED ZONING: R-1 with Variance*

LAND AREA: 5 acres ROAD FRONTAGE: -0- Lineal Ft. ROAD COND: Under Repair

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: Two Single Family Residences

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 100 ft. Side 80/130 ft. Rear 600 ft.

SPOT ZONING: X
Yes No

NEARBY LAND USE:

- a. To North Lake, Gravel Operation
- b. To South Single Family Residences, Mobile Home
- c. To East Single Family Residence, Operating Engineers Training Facility
- d. To West Vacant

OTHER COMMENTS: * Variance of the road frontage requirement from 20' to 0' and a variance to allow the lot width to be met greater than 60' from a public road for 2 parcels.

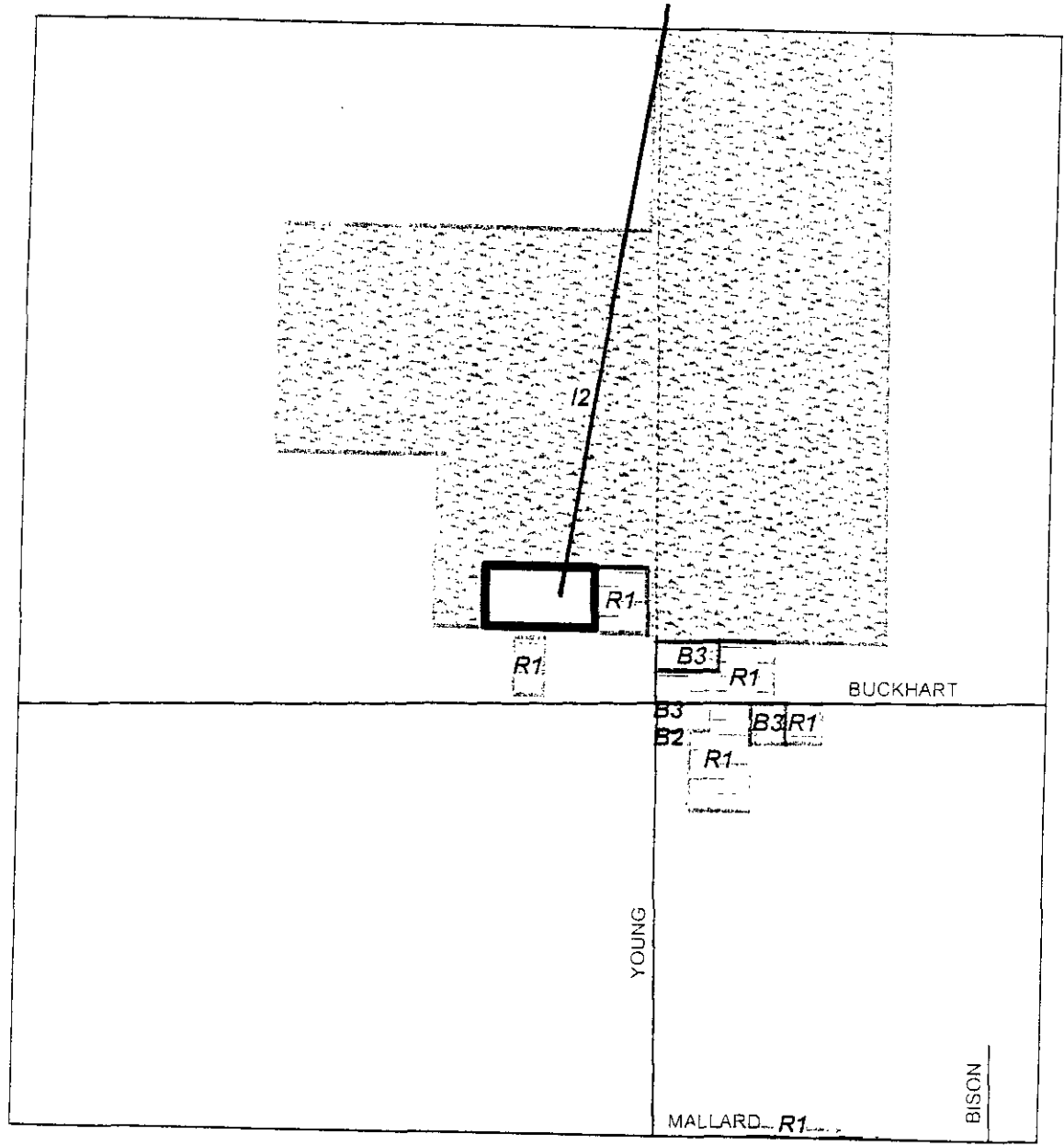
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use		X		
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density		X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



RECOMMENDATIONS: **Recommend denial. Creation of a landlocked parcel is contrary to the intent of the zoning ordinance and cannot be justified.**

County Zoning

Case# 2005-022

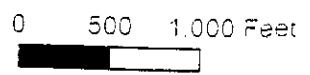


County Zoning

	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





RECOMMENDED FINDINGS OF FACT

Case #: **2005-22**

Address: **3255 Young Road**

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

To the north is a lake and gravel operation. To the south are single family residences and a mobile home. To the east is a single family residence and an operating engineers training facility. To the west is vacant.

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

To the north and west is I-2. To the east is R-1. To the south is A and R-1.

- (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 171 indicates non-ag development may be acceptable if mitigating factors are present. There is an existing home on this tract that was created when a road frontage variance was granted in 1992. Development of a landlocked parcel is not recommended.

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

Property to the north, to the west and to the east of Young Road was rezoned to I-2 in 1974. Property to the east was rezoned to R-1 in 1989.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-22

Address: 3255 Young 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.

No. This tract was created by the granting of a variance in 1992 to allow one landlocked parcel. Creating a second landlocked parcel would be contrary to the intent of the current zoning ordinance to only create tracts that have owned access to a public road.

- (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 # 24-17-200-029

Zoning Case # 2005-22

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	20
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	5
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	0
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	5
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	15
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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

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

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

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

SITE ASSESSMENT TOTAL	110
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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	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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	69	77	53
685C2	Middletown	Important	11	72	8
801	Orthents	Non-prime	0		

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL	61
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GRAND TOTAL	171
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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.