

FILED

OCT 28 2005

CASE # 2005-68
RESOLUTION NUMBER 3-1

Joe Aiello
Sangamon County Clerk

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
14486 WALBAUM ROAD, PLEASANT PLAINS
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Sandra Black**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District and "RM-4" Manufactured Home District with a variance to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 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, grant the variance to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels and a variance of the lot area to allow the property to be split into 2 lots of less than 40 acres**; and

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8th day of November, 2005 that the request to rezone the above referenced property from "A" Agricultural District to "R-1" Single Family Residence District and "RM-4" Manufactured Home district is denied but, the variance to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels and a variance of the lot area to allow the property to be split into 2 lots of less than 40 acres is hereby approved.

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

DAVID MENDENHALL

ATTEST:

Joe Cello

SANGAMON COUNTY CLERK

A. Va. Mota

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East 200' of the following described property is to be rezoned to "RM-4" Manufactured Home District and the balance of the property is to be rezoned to "R-1" Single Family Residence District.

The West 505 feet of the following described real estate a survey of which is recorded in the office of the Sangamon County Recorder, as Entry 279541 on June 22, 1959 in Record Volume 539, Page 96; A tract of land being a part of the Southeast Quarter of Section 6, Township 16 North, Range 7 West of the Third Principal Meridian, and part of the Northeast Quarter of Section 7, Township 16 North, Range 7 West of the Third Principal Meridian. Said tract being further described as follows: Beginning at an iron pin on the West line of the Southeast Quarter of Section 6, Township 16 North, Range 7 West of the Third Principal Meridian and 400 feet Northerly from the Southwest corner of the Southeast Quarter of said Section 6, thence Easterly 1010 feet along the centerline of a private road being also parallel to and 400 feet North of the South line of said Section 6 to an iron pin; thence Southerly 800 feet to an iron pin being 400 feet South of said South line of Section 6 to an iron pin on the West line of the Northeast Quarter of Section 7; thence Northerly 400 feet along the West line of the Northeast Quarter of Section 7 to the Northwest corner of the Northeast Quarter of said Section 7; thence continuing Northerly along the West line of the Southeast Quarter of said Section 6 to the point of beginning.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2005-68**

ADDRESS: **14486 Walbaum Rd., Pleasant Plains, IL. 62677**

PETITIONER: **Sandra Black**

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

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence District and "RM-4" Manufactured Home District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels**

AREA: **9.26 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **denial as submitted due to high Land Evaluation and Site Assessment score. Recommend approval of variance and an additional variance to allow the creation of two lots less than 40 acres.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **deny rezoning but, grant the variance and a variance of the lot area to allow the property to be split into 2 lots of less than 40 acres.**



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2005-68
Sandra Black))
)	PROPERTY LOCATED AT:
)	14486 Walbaum Rd.
)	Pleasant Plains, IL. 62677
))

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 a **rezoning and variance** 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 **October 20, 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 **14486 Walbaum Rd., Pleasant Plains, IL. 62677** 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 a **Single Family Residence, 2 garages and other accessory buildings.**
5. That the proposed land use of said property is a **Single Family Residence, Manufactured Home, 2 garages and other accessory buildings.**
6. That the requested **rezoning and variance** of said property is: **from "A" to "R-1" and "RM-4" with a variance to allow the lot depth to exceed 2 1/2 times the lot width 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 not** support the proposition that the adoption of the proposed **rezoning** 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, in the alternative, grant a variance of the lot area to allow the property to be split into 2 lots of less than 40 acres and a variance to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.**

Charles Chimento
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 petition be **denied as submitted but, in the alternative, recommend approval of the requested variance and a variance of the lot area to allow the property to be split into 2 lots of less than 40 acres**, which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Patrick Somers, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Peggy Egizii**

Don Wulf
RECORDING SECRETARY



CASE #: 2005-68 3-7
 INDEX #: 12-06-400-005
 DATE: 10-4-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Black, Sandra
 ADDRESS: 14486 Walbaum Road TWP. 16N RANGE 7 W SEC. SE ¼ SEC. 6
 (OR NEAREST IDENTIFIABLE ROAD) TWP. 16N RANGE 7 W SEC. NE ¼ SEC. 7
 CITY OR VILLAGE OR NEAREST ONE: Pleasant Plains

EXISTING ZONING: A PROPOSED ZONING: R-1 & RM-4 with Variance*

LAND AREA: 9.26 acres ROAD FRONTAGE: 505 Lineal Ft. ROAD COND: Poor

EXISTING LAND USE: Single Family Residence, 2 Garages & Other Accessory Buildings
 PROPOSED LAND USE: Single Family Residence, Manufactured Home, 2 Garages and Other Accessory Buildings

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front Varied ft. Side _____ ft. Rear _____ ft.

SPOT ZONING: X
 Yes No

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

OTHER COMMENTS: * Variance is requested to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels.

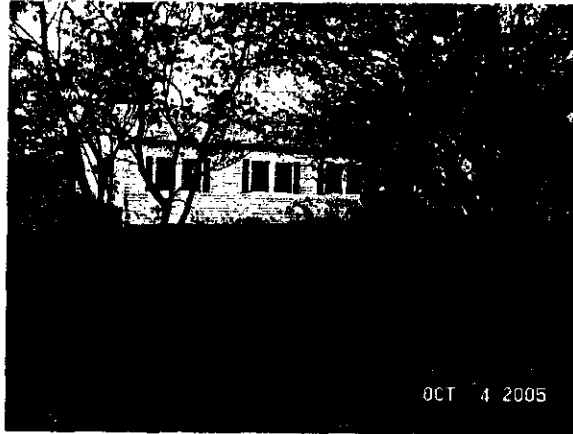
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use		X		
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density		X		
	dwellings, density		X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

SEE ATTACHED PHOTOS

RECOMMENDATIONS: Recommend denial as submitted due to high Land Evaluation and Site Assessment score. Recommend approval of variance and an additional variance to allow the creation of two lots less than 40 acres.

Case #: 2005-68

Address: 14486 Walbaum Road



Existing Home



Proposed New Home Site

County Zoning

Case# 2005-068

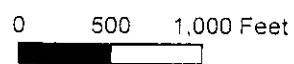


County Zoning

	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 #: **2005-68**

Address: **14486 Walbaum Road**

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

There is cropland in all directions with a residence 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 192 indicates the property should remain in agricultural zoning. However, there was a second residence on the property at one time and an additional well and septic system remain.

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

The area has been stable.

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RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-68

Address: 14486 Walbaum 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 is an existing garage, well, and septic system on the property where a second home once was located. Because of the configuration of the property any division would require a lot depth/width ratio variance but no adverse impact is anticipated.

- (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

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	10
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	0
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	0
Little or none with protective measures	5	
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
16'-18' pavement, 40' ROW	15	
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	
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	0
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	115
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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	34	95	32
36C2	Tama	Prime		90	
36D2	Tama	Important	34	72	24
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	22	21
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

77

GRAND TOTAL

192

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.