

CASE # 2005-71
RESOLUTION NUMBER 5-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
22485 WEBER ROAD, ILLIOPOLIS
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 a variance to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Jeff Grismer**, has 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 **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, in the alternative, grant a variance of the lot area to allow one lot of less than 40 acres**; and

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

FILED

OCT 28 2005

Joe Aiello
Sangamon County Clerk

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 is denied but, in accordance with the attached standards for variation, a variance of the lot area to allow one lot 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

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Southwest Quarter of Section 29, Township 17 North, Range 1 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the southeast corner of Southeast Quarter of the Southwest Quarter of said Section 29, thence North on the Quarter Section Line 40.00 feet to the Point of Beginning, thence South $89^{\circ} 34' 10''$ West, 240.00 feet; thence North $00^{\circ} 00' 08''$ East and parallel to the Quarter Section Line, 360.00 feet; thence North $89^{\circ} 34' 10''$ East, 240.00 feet; thence South $00^{\circ} 00' 08''$ West on the Quarter Section Line, 360.00 feet to the point of beginning, containing 1.983 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2005-71**

ADDRESS: **22485 Weber Rd., Illiopolis, IL. 62539**

PETITIONER: **Jeff Grismer**

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

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


AREA: **2 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **denial as submitted due to agricultural/rural character of area and Land Evaluation and Site Assessment score of 190 although a variance of lot area may be an acceptable alternative to facilitate the proposed division.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **deny the rezoning but grant a variance of the lot area to allow one lot 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: 2005-71
Jeff Grismer)	
)	PROPERTY LOCATED AT:
)	22485 Weber Rd.
)	Illio polis, IL. 62539
)	

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 **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 **22485 Weber Rd., Illio polis, IL. 62539** and more particularly described as:

See **EXHIBIT A**

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- 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.
- 5. That the proposed land use of said property is a Single Family Residence.
- 6. That the requested rezoning of said property is: from "A" Agricultural District to "R-1" Single Family Residence District.
- 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 one lot of less than 40 acres be approved.

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 but, in the alternative, recommend a variance of the lot area to allow one lot of less than 40 acres**, which was duly seconded by **Donn Malwick**.

The vote of the Board was as follows:

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

NO:

ABSENT: **Peggy Egizii**

B. J. Armstrong
RECORDING SECRETARY

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CASE #: 2005-71
 INDEX #: 10-29-300-002 Pt.
 DATE: 10-5-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Grismer, Jeff
 ADDRESS: 22485 Weber Road TWP. 17N RANGE 1 W SEC. 29 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Illiopolis

EXISTING ZONING: A PROPOSED ZONING: R-1

LAND AREA: 2 acres ROAD FRONTAGE: 240 Lineal Ft. ROAD COND: Poor

EXISTING LAND USE: Single Family Residence
 PROPOSED LAND USE: Single Family Residence

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 60 ft. Side 35/165 ft. Rear 260 ft.

SPOT ZONING: X
 Yes No

NEARBY LAND USE:
 a. To North Cropland
 b. To South Cropland
 c. To East 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		
	dwellings, density		X		
	school pop.	X			
	traffic volume	X			



RECOMMENDATIONS: **Recommend denial as submitted due to agricultural/rural character of area and Land Evaluation and Site Assessment score of 190 although a variance of lot area may be an acceptable alternative to facilitate the proposed division.**

County Zoning

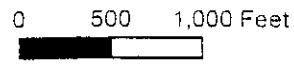
Case# 2005-071



County Zoning

City Zoning

R1	B1	R1	H1	OFF
R1a	B2	R2	H2	PUD
R2	B3	R3a	H3	B1
R3	I1	R3b	S1	B2
RM-4	I2	R4	S2	I1
OFF	A	R5	S3	I2



N



RECOMMENDED FINDINGS OF FACT

Case #: **2005-71**

Address: **22485 Weber Road**

(i) Existing uses of property within the general area of the property in question.
The property is surrounded by cropland.

(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 190 indicates agricultural zoning is most suitable. The rezoning request is made to facilitate division of the house from the cropland.

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

The area has remained in crop production.

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	20
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	20
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	20
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	140
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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	50	100	50
45	Denny	Prime		77	
50	Viriden	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	77
685C2	Middletown	Important	72
801	Orthents	Non-prime	0

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL	50
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GRAND TOTAL	190
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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.