

CASE # 2006-14
RESOLUTION NUMBER 31

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
7563 NEW CITY ROAD, ROCHESTER, IL 62563
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners **David & Patricia Hensley**, 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 **March 16, 2006**, 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

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

FILED

MAR 24 2006

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 4th day of April, 2006 that the request for rezoning the above described property from "A" Agricultural District to "R-1" Single Family Residence District is hereby approved.

Signed and passed by the Sangamon County Board in session on this 4th day of April, 2006.

Respectfully submitted,

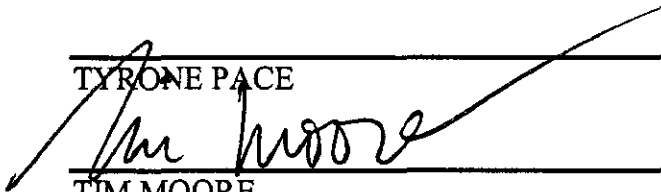
PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

That part of the Southwest Quarter of the Southeast Quarter of Section 11, Township 14 North, Range 4 West of the Third Principal Meridian lying South and East of the branch, according to the survey made by T.M. Neale, County Surveyor, situated in the County of Sangamon and State of Illinois, said tract being one in the same as that certain tract described in the Conservator's Deed dated June 12, 1946 filed of record in the Office of the Recorder of Deed as Entry no. 216002 wherein Hattie E. Haines as conservator of the Estate of George R. Neal, Incompetent, appears as Grantor, and Howard W. Hamilton appear as Grantees.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2006-14**

ADDRESS: **7563 New City Road, Rochester, IL 62563**

PETITIONER: **David & Patricia Hensley**

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

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

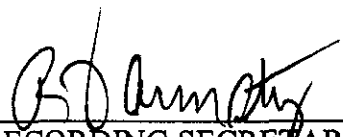
AREA: **19.76 Acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval due to Land Evaluation and Site Assessment score of 170, location on a county highway, low soils rating and other residences in the area.**

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: **2006-14**
David & Patricia Hensley)
))
) **PROPERTY LOCATED AT:**
) **7563 New City Road**
) **Rochester, IL 62563**
)

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 **March 16, 2006** 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 **7563 New City Road, Rochester, IL 62563** 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 **Single Family Residence, Cropland, and Timber.**
- 5. That the proposed land use of said property is **3 Single Family Residences.**
- 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** 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 **approved.**



 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **Donn Malwick.**

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor

NO:

ABSENT:



 RECORDING SECRETARY

EXHIBIT A

That part of the Southwest Quarter of the Southeast Quarter of Section 11, Township 14 North, Range 4 West of the Third Principal Meridian lying South and East of the branch, according to the survey made by T.M. Neale, County Surveyor, situated in the County of Sangamon and State of Illinois, said tract being one in the same as that certain tract described in the Conservator's Deed dated June 12, 1946 filed of record in the Office of the Recorder of Deed as Entry no. 216002 wherein Hattie E. Haines as conservator of the Estate of George R. Neal, Incompetent, appears as Grantor, and Howard W. Hamilton appear as Grantees.

Situated in Sangamon County, Illinois.

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CASE #: 2006-14

INDEX #: 30-11-400-007

DATE: 3-1-06

INSPECTED BY: LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Hensley, David & Patricia

ADDRESS: 7563 New City Road TWP. 14N RANGE 4 W SEC. 11 ¼ SEC. SE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Rochester

EXISTING ZONING: A PROPOSED ZONING: R-1

LAND AREA: 19.76 acres ROAD FRONTAGE: 1,320 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single Family Residence, Cropland, Timber

PROPOSED LAND USE: 3 Single Family Residences

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

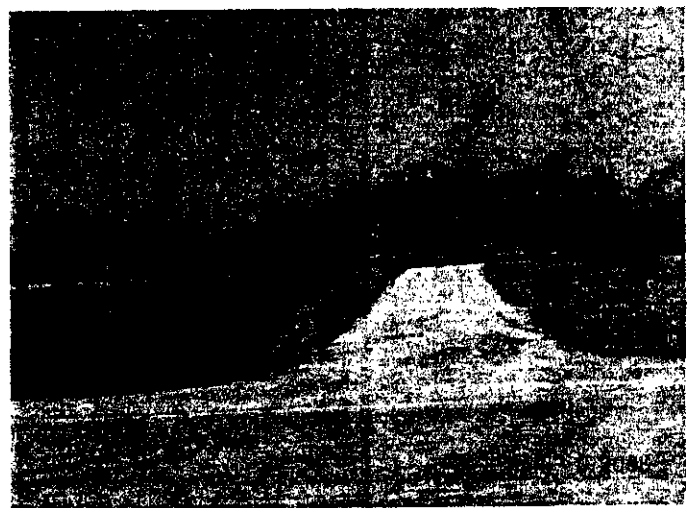
EXISTING YARDS: Front 380 ft. Side 400/390 ft. Rear 330 ft.

SPOT ZONING: X
 Yes No

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

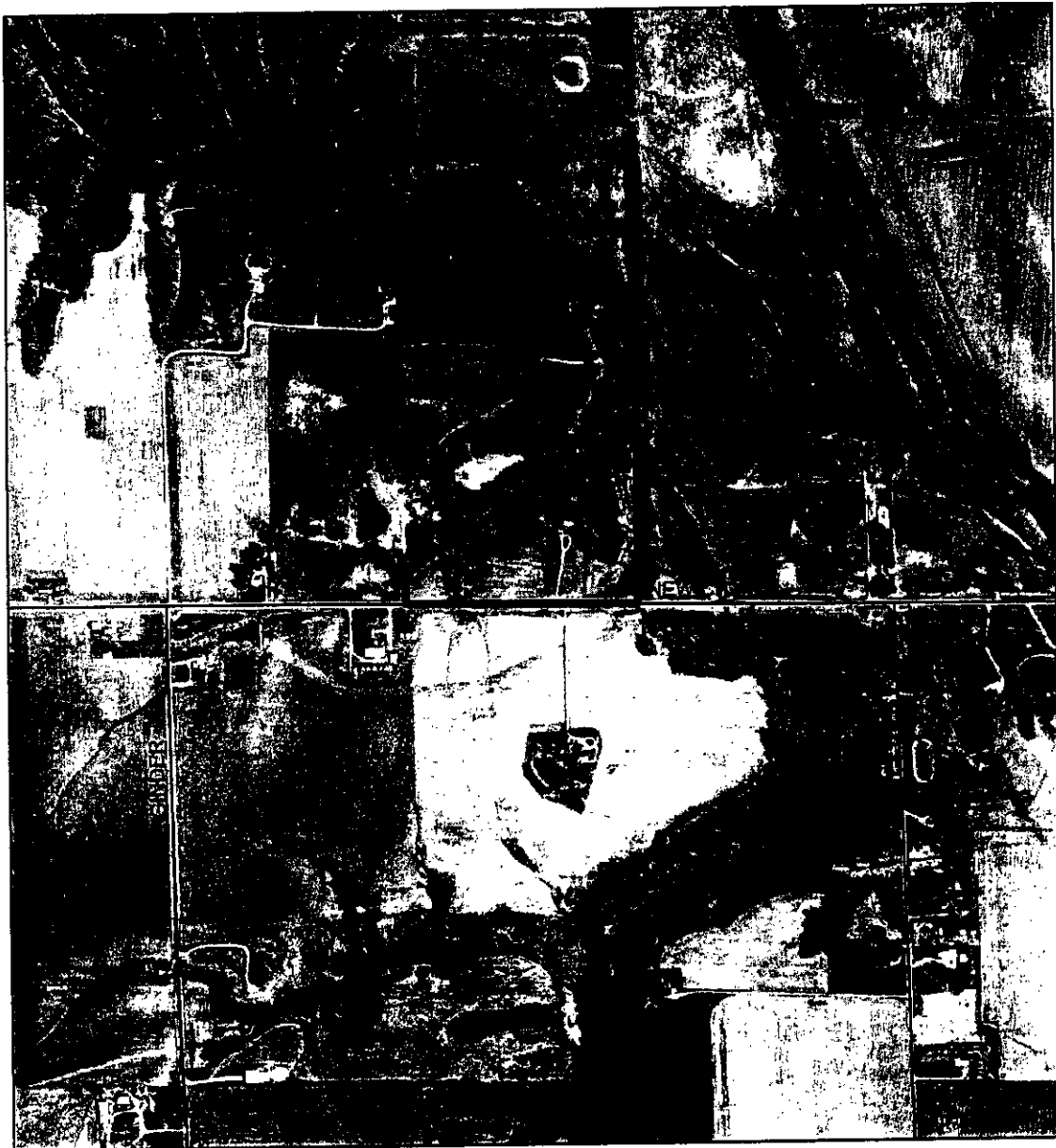
OTHER COMMENTS:

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 approval due to Land Evaluation and Site Assessment score of 170, location on a county highway, low soils rating, and other residences in the area.

County Zoning Case# 2006-14

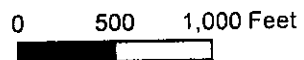


County Zoning

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

City Zoning

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





RECOMMENDED FINDINGS OF FACT

Case #: **2006-14**
Address: **7563 New City Road**

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

To the north is a mobile home, timber and cropland. To the east is vacant and single family residences. To the south is cropland and a single family residence. To the west is vacant and single family residences.

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

The 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 170 indicates the property may be suitable for non-agricultural development if mitigating factors are present. The subject tract is located on a county highway. There are several houses in the area and the majority of the soils are not prime for crops.

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

There has been some residential development.

LAND EVALUATION AND SITE ASSESSMENT**Part 1: Site Assessment**

	Available Points	Points
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<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	5
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	20
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	20
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	

<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	5
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	0
16'-18' pavement, 40' ROW	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*	15	87	13
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
119D	Elco	Important		72	
119D3	Elco	Important	17	55	9
119E3	Elco	Non-prime	44	52	23
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	19	77	15
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	60
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GRAND TOTAL	170
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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.