

FILED

CASE # 2005-92
RESOLUTION NUMBER 2-1

DEC 30 2005

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5825 CHICKEN BRISTLE ROAD, ROCHESTER
SANGAMON COUNTY, ILLINOIS

Joe Aiello
Sangamon County Clerk

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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

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

WHEREAS, a public hearing was held at the Sangamon County Building on **December 15, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2006 that the request to rezone the above referenced property from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for two parcels is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2006.

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 Giallo

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East half of the West 20 acres of all that part of the Northeast Quarter of the Southeast Quarter of Section 28, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, that lies South and West of the Taylorville and Springfield Road.

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RECAP
(For County Board Use)

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

DOCKET NUMBER: **2005-92**

ADDRESS: **5825 Chicken Bristle Rd., Rochester, IL. 62563**

PETITIONER: **Roger Leach**

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

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

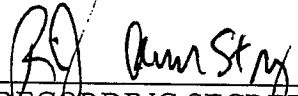
AREA: **9.94 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **denial due to Land Evaluation and Site Assessment score of 205 and lack of infrastructure.**

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: 2005-92
Roger Leach)	
)	PROPERTY LOCATED AT:
)	5825 Chicken Bristle Rd.
)	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 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 **December 15, 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 **5825 Chicken Bristle Rd., Rochester, IL. 62563** 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 Manufactured Home.**
- 5. That the proposed land use of said property is **a Manufactured Home and a Single Family Residence.**
- 6. That the requested **rezoning and variance** of said property is: **from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for two 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** support the proposition that the adoption of the proposed **rezoning and variance** 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 and variance** be approved.

Charles Chimento, BSA
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Charles Chimento** based on the attached **amended findings** to 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:

BJ Amstrong
RECORDING SECRETARY

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

Case #: 2005-92
Address: 5825 Chicken Bristle Road

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

There is surrounding cropland but there are many residences to the southeast.

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

The property is surrounded by A zoning but there is R-1 to the southeast.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The 10 acre parcel is suited to residential use.

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

There has been scattered residential development in the area.

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CASE #: 2005-92
 INDEX #: 23-28-400-013
 DATE: 11-29-05
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Leach, Roger
 ADDRESS: 5825 Chicken Bristle Road TWP. 15N RANGE 4 W SEC. 28 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 with Variance*

LAND AREA: 9.94 acres ROAD FRONTAGE: 105 Lineal Ft. ROAD COND: Good
Mattingley Ln. - 260 Poor

EXISTING LAND USE: Manufactured Home
 PROPOSED LAND USE: Manufactured Home and Single Family Residence

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

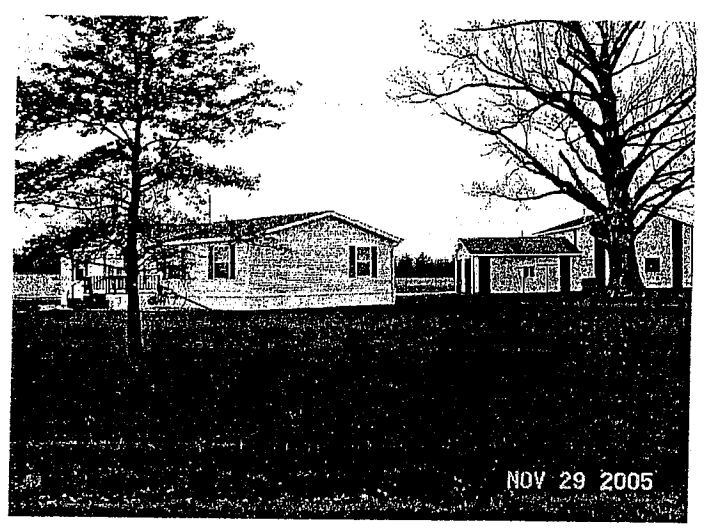
EXISTING YARDS: Front 200 ft. Side 100/160 ft. Rear 1,050 ft.

SPOT ZONING: X
 Yes No

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

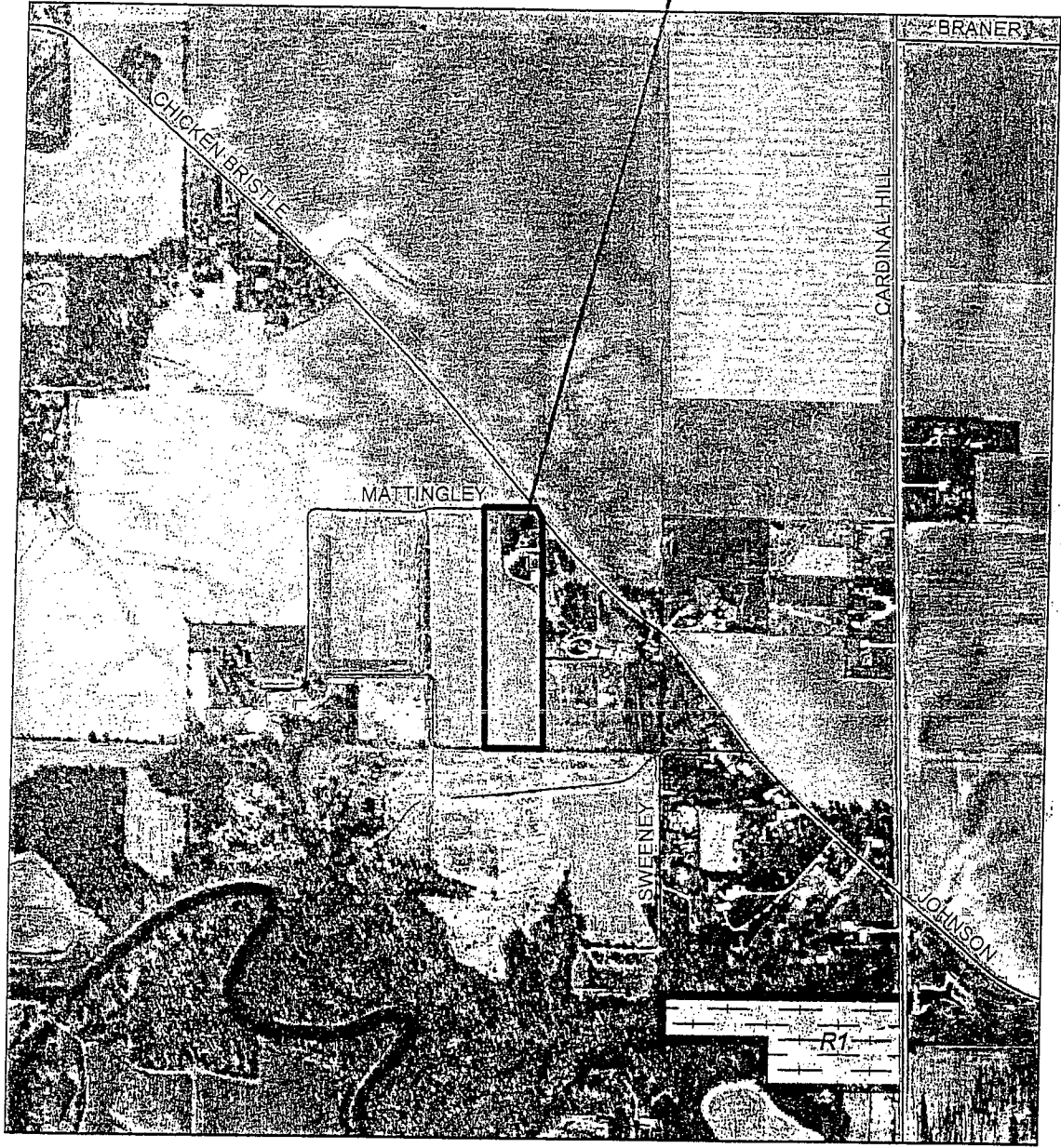
OTHER COMMENTS: * Variance to allow the lot depth to exceed 2 ½ times the lot width for two parcels.

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 due to Land Evaluation and Site Assessment score of 205 and lack of infrastructure.

County Zoning Case# 2005-092

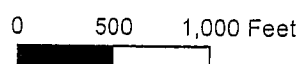


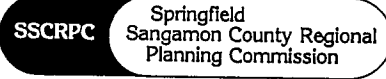
County Zoning

	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 #: 2005-92

Address: 5825 Chicken Bristle Road

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

There is cropland in all directions. Further west is a single family residence. To the southeast are several 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.

There is a manufactured home on the property. The Land Evaluation and Site Assessment score of 205 indicates the current agricultural zoning is appropriate.

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

The area has remained stable.

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RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-92

Address: 5825 Chicken Bristle 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.

The existing tract is ¼ mile deep x 1/16 mile wide so any division could not meet the requirements of the zoning ordinance.

- (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>	Available Points	Points
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>	Available Points	Points
90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>	Available Points	Points
75-100%	10	
50-74%	5	10
Under 50%	0	

<u>COUNTY SECTOR</u>	Available Points	Points
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>	Available Points	Points
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>	Available Points	Points
Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>	Available Points	Points
Negative impact	10	
No impact	0	0

<u>CONDITION OF ROAD</u>	Available Points	Points
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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Parcel # 23-28-400-013

Zoning Case # 2005-92

<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	135
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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	62	77	48
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	28	77	22
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	70
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GRAND TOTAL	205
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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.