

CASE #2006-54
RESOLUTION NUMBER 6-1

**DENYING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
13487 BAB ROAD, AUBURN
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 **deny 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, **The Landers Children Family LLC**, has petitioned the Sangamon County Board for a **rezoning from "A" Agriculture to "R-1" Single Family Residential with variances to allow the lot width to be met greater than 60' from a public road and to allow the lot depth to exceed 2 ½ times the lot width for 3 parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 19, 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 **deny the rezoning and variances; and**

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

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of November, 2006 that the request to rezone the above described property from "A" Agriculture to "R-1" Single Family Residential with variances to allow the lot width to be met greater than 60' from a public road and to allow the lot depth to exceed 2 ½ times the lot width for 3 parcels is hereby denied.

Signed and passed by the Sangamon County Board in session on this 14th day of November, 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

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EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 1, Township 13 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the center of the aforementioned Section 1, thence North 00 degrees 20 minutes 49 seconds East along the Quarter Section line a distance of 123.95 feet to an iron pipe marking the true point of beginning, thence South 89 degrees 35 minutes 21 seconds West a distance of 696.81 feet to an iron pipe on, thence North 00 degrees 20 minutes 49 seconds East a distance of 312.60 feet to an iron pipe, thence North 89 degrees 35 minutes 21 seconds East a distance of 696.81 feet to an iron pipe on the Quarter Section line, thence South 00 degrees 20 minutes 49 seconds West along the Quarter Section line a distance of 312.60 feet to the true point of beginning. Said tract contains 5,000 acres, more or less, all in the County of Sangamon, State of Illinois. (Basis of bearing is North 00 degrees 20 minutes 49 seconds East along the Quarter Section line)

County Zoning Case# 2006-54



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

0 500 1,000 Feet



65

364.21

34-01
100-012

692.25

361.95

312.6

696.81

34-01
100-019

③

②

①

④

321.6

696.81

250.1

440.22

34-01
300-015

440.22

126.14

123.98

697.85

124.7

10

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #6 NAME: **Sam Snell**

DOCKET NUMBER: **2006-54**

ADDRESS: **13487 BAB Road, Auburn, Illinois, 62615**

PETITIONER: **The Landers Children Family LLC**

PRESENT ZONING CLASSIFICATION: **"A" Agriculture**

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residential with variances to allow the lot width to be met greater than 60' from a public road and to allow the lot depth to exceed 2 ½ times the lot width for 3 parcels**

AREA: **5 Acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Staff recommends approval of the zoning change from Agriculture to R-1 with a LESA score of 146. However, staff recommends denial of both variance requests because they would create adjacent flag lots which is contrary to the intent of the zoning ordinance.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Denial**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-54
The Landers Children Family LLC)	
)	PROPERTY LOCATED AT:
)	13487 BAB Road
)	Auburn, Illinois, 62615
)	

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 **October 19, 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 **13487 BAB Road, Auburn, Illinois** and more particularly described as:

See Exhibit A

- 3. That the present zoning of said property is "A" Agriculture.
- 4. That the present land use of said property is **Single Family Residence**
- 5. That the proposed land use of said property is **Single Family Residences.**
- 6. That the requested **rezoning** of said property is: **from "A" Agriculture to "R-1" Single Family Residential with variances to allow the lot width to be met greater than 60' from a public road and to allow the lot depth to exceed 2 1/2 times the lot width for 3 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 and variances** 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 variances** be **denied**.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** 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**, which was duly seconded by **Patrick Somers**.

The vote of the Board was as follows:

YES: **Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO: **Charles Chimento**

ABSENT: **Barbara Braner**

R. J. Armstrong
RECORDING SECRETARY

EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 1, Township 13 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the center of the aforementioned Section 1, thence North 00 degrees 20 minutes 49 seconds East along the Quarter Section line a distance of 123.95 feet to an iron pipe marking the true point of beginning, thence South 89 degrees 35 minutes 21 seconds West a distance of 696.81 feet to an iron pipe on, thence North 00 degrees 20 minutes 49 seconds East a distance of 312.60 feet to an iron pipe, thence North 89 degrees 35 minutes 21 seconds East a distance of 696.81 feet to an iron pipe on the Quarter Section line, thence South 00 degrees 20 minutes 49 seconds West along the Quarter Section line a distance of 312.60 feet to the true point of beginning. Said tract contains 5,000 acres, more or less, all in the County of Sangamon, State of Illinois. (Basis of bearing is North 00 degrees 20 minutes 49 seconds East along the Quarter Section line)



CASE #: 2006-54
 INDEX #: 34-01-100-019
 DATE: 10/3/06
 INSPECTED BY: JH LW

ZONING AMENDMENT CHECK LIST

PETITIONER: The Landers Children Family LLC
 ADDRESS: 13487 BAB Road TWP. 13 RANGE 6 W SEC. 1 ¼ SEC. NW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____
 CITY OR VILLAGE OR NEAREST ONE: Auburn

EXISTING ZONING: A PROPOSED ZONING: R-1 with Variances*
 LAND AREA: 5 Acres ROAD FRONTAGE: 322' Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single Family Residence
 PROPOSED LAND USE: 4 Single Family Residences

TYPE OF STRUCTURE: Single family residence CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 80 ft. Side 75/185 ft. Rear 580 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Single family residence
 - b. To South Single family residence with Auto Body Shop
 - c. To East Farmland
 - d. To West Farmland

OTHER COMMENTS: ***Variance to allow the lot width to be met greater than 60' from a public road and variance to allow the lot depth to exceed 2½ times the lot width for 3 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		
	dwelling, density		X		
	school pop.		X		
	traffic volume		X		



RECOMMENDATIONS: **Staff recommends approval of the zoning change from Agriculture to R-1 with a LESA score of 146. However, staff recommends denial of both variance requests because they would create adjacent flag lots which is contrary to the intent of the zoning ordinance.**

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RECOMMENDED FINDINGS OF FACT

Case #: **2006-54**

Address: **13487 BAB Road**

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

There is farmland to the east and west. There is single family residences to the north and single family residences to the south with an auto body shop also on the property directly south.

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

The zoning is agriculture except for some R-1 a quarter mile to the north.

- (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 146 indicates the property is acceptable for non-agricultural development.

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

There is some development of rural residential homes in the area and a use variance has been granted in 2003 for an auto body shop.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-54

Address: 13487 BAB 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 the 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 are no circumstances unique to the property that would justify the requested variances. The creation of multiple, adjacent flag lots is contrary to the intent of the zoning ordinance to provide owned, non-easement based access to all new lots.

- (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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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	10
50-74%	5	
Under 50%	0	

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

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	10
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	5
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	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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Parcel # 34-01-100-019

Zoning Case # _____

<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	0
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	70
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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	36	77	28
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	

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Parcel # 34-01-100-019

Zoning Case # _____

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	39	77	30
280C2	Fayette	Important	25	72	18
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 76

GRAND TOTAL 146

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.