

CASE # 2006-55 7-1
RESOLUTION NUMBER _____

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
9617 BUCKHART ROAD, ROCHESTER
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, **Nicholas Drum**, has petitioned the Sangamon County Board for a **variance of the 40 acre lot area requirement to allow the 7.42 acre parcel to be divided into 2 tracts**; 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 **approve the variance**; and

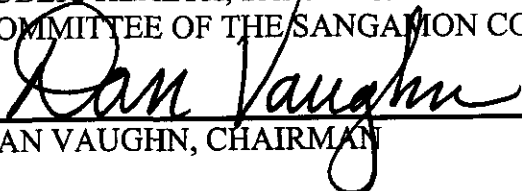
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of November 2006, that the request for a variance of the 40 acre lot area requirement to allow the 7.42 acre parcel to be divided into 2 tracts for the above described property is hereby approved.

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

Exhibit A

The East half of the following described premises: All that part of the West Half of the Northeast Quarter of Section 18, Township 15 North of Range 3 West of the Third Principal Meridian that lies South of the right-of-way of the B&O Railroad as located in 1974, except that part that lies within the following described parcel: the West 796.00 feet of the West half of the Northeast Quarter of Section Eighteen (18), Township Fifteen (15) North, Range Three (3) West of the Third Principal Meridian in Sangamon County, Illinois that lies South of the right of way of the now abandoned B&O Railroad.

Situated in Sangamon County, Illinois.

County Zoning Case# 2006-55



County Zoning

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

City Zoning

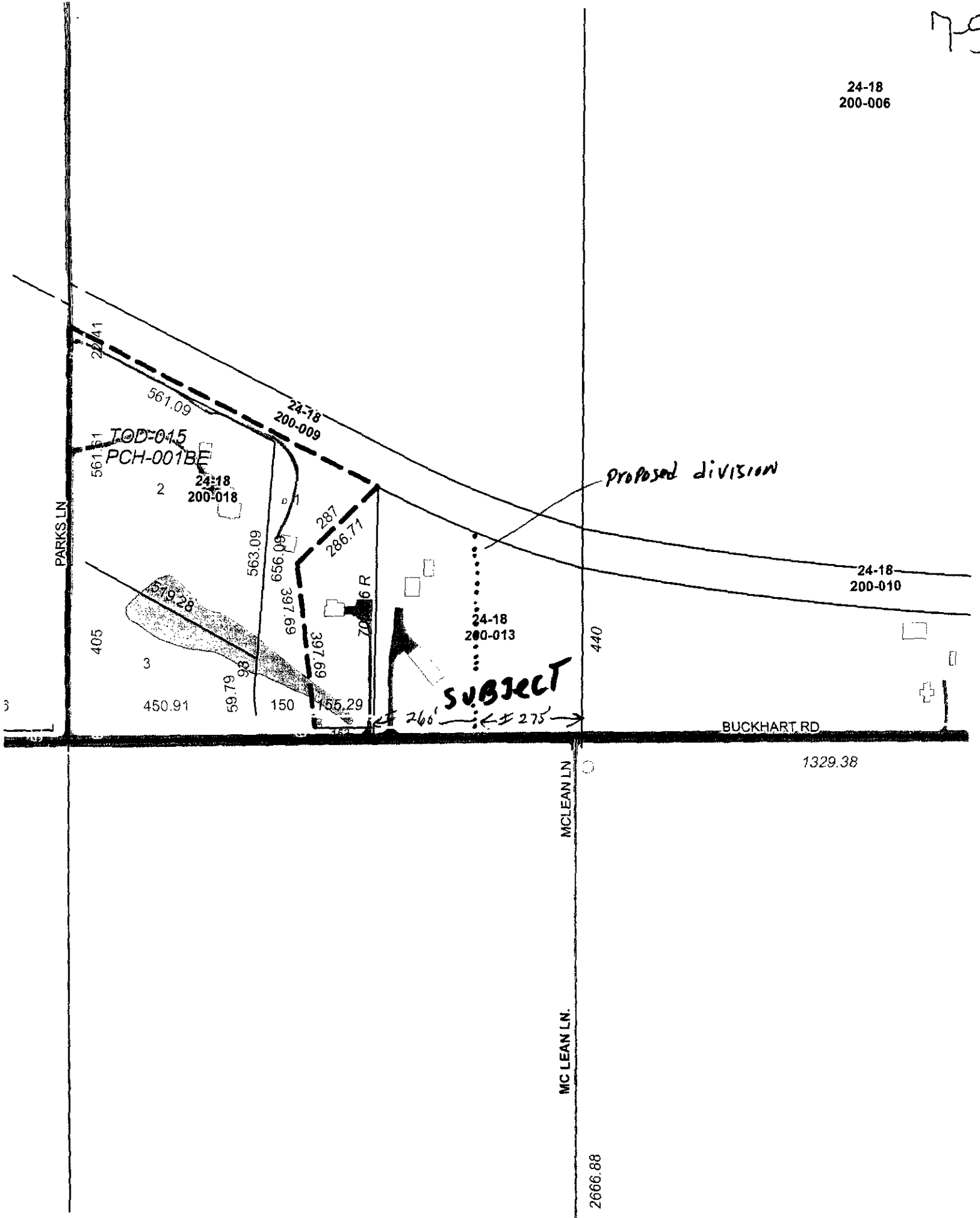
	R1		H1		OFF
	R2		H2		PUD
	R3a		H3		B1
	R3b		S1		B2
	R4		S2		I1
	R5		S3		I2

0 500 1,000 Feet



75

24-18
200-006



Proposed division

subject

PARKS LN

MCLEAN LN

MCLEAN LN

BUCKHART RD

22.41

561.09

24-18
200-009

TOD-015
PCH-001BE

24-18
200-018

2

563.09

287

286.77

69.76

397.66

69.76

155.29

70.16 R

24-18
200-013

440

24-18
200-010

405

3

450.91

59.79

98

150

1329.38

2666.88

74

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2006-55**

ADDRESS: **9617 Buckhart Road, Rochester, Illinois, 62563**

PETITIONER: **Nicholas Drum**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agriculture with a variance of the 40 acre lot area requirement to allow the 7.42 acre parcel to be divided into 2 tracts.**

AREA: **7.42 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Staff recommends approval. The Standards of variation are met.**

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



RECORDING SECRETARY

7-7

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2006-55
Nicholas Drum)	
)	PROPERTY LOCATED AT:
)	9617 Buckhart 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 a **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 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 **9617 Buckhart Road, Rochester, Illinois** and more particularly described as:

See Exhibit A

Page 2

- 3. That the present zoning of said property is "A" Agriculture.
- 4. That the present land use of said property is Residential.
- 5. That the proposed land use of said property is Residential, 2 homes.
- 6. That the requested variance of said property is: of the 40 acre lot area requirement to allow the 7.42 acre parcel to be divided into 2 tracts.
- 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 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 variance be approved.

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 **approved**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Don Wulf**

NO:

ABSENT: **Barbara Braner**

RD Armstrong
RECORDING SECRETARY

Exhibit A

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Situated in Sangamon County, Illinois.

ZONING VARIANCE CHECK LIST

DATE: 10/3/06

INSPECTED BY: JH LW

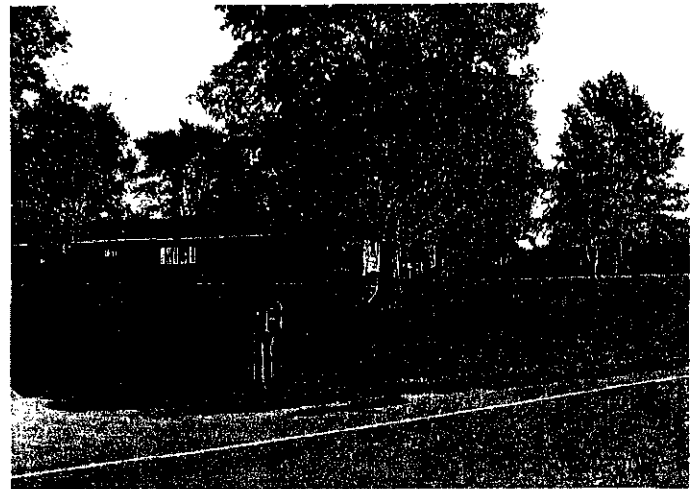
PETITIONER: Drum, Nicholas

ADDRESS: 9617 Buckhart Road

EXISTING ZONING: A

REQUEST DESCRIPTION: Variance of the 40 acre lot area requirement to allow the 7.4 acre parcel to be divided into two tracts.

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use		X		
	appearance		X		
CURRENT VS. PROPOSED	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			



Frontage	Lineal Feet	Existing Yards (ft.)			Area
Buckhart Road	538'	134'	87'/354'	350'	7.42 acres
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: Staff recommends approval. The standards of variation are met.

RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2006-55**

Address: **9617 Buckhart 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.

With a LESA score of 151 the property is on the lowest end of the range requiring mitigating factors for non-agricultural development. The 7 ½ acre site is large by development standards and is divided from farm land to the east by a hedge row, to the north by railroad tracks, to the west by the existing home and other residential development and to the south by Buckhart Rd.

- (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

712

Parcel # 24-18-200-013

Zoning Case # 2006-55

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	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	
50-74%	10	0
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	

713

<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	5
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	95
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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	

7-14

Parcel # 24-18-200-013

Zoning Case # 2006-55

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	30	77	23
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	46	55	25
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	11	77	8
685C2	Middletown	Important		72	
801	Orthents	Non-prime		0	

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL 56

GRAND TOTAL 151

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.