

CASE # 20006-47  
RESOLUTION NUMBER 31

**GRANTING VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**13933 N. PAWNEE ROAD, PAWNEE**  
**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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**S ½ SE ¼ of Section 1, T 13 N, R 5 W of the 3<sup>rd</sup> P.M.; except the North 46 rods thereof Sangamon County, Illinois.**

WHEREAS, the Petitioner, **Estate of Lorena E. Wagner**, has petitioned the Sangamon County Board for a **rezoning from "A" Agriculture to "R-1" Single Family Residence and a variance to allow the lot depth to exceed the lot width by more than 2 ½ times for 1 parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 17, 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 but grant a variance of the lot area requirement to allow 2 parcels less than 40 acres and grant the requested variance to allow the lot depth to exceed 2 ½ times the lot width for one parcel; and**

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

**FILED**

SEP 01 2006

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> day of September, 2006 that the request to rezone the above described property from "A" Agriculture to "R-1" Single Family Residence is hereby denied but in the alternative a variance of the lot area requirement to allow 2 parcels less than 40 acres and a variance to allow the lot depth to exceed the lot width by more than 2 ½ times for 1 parcel is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of September, 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

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
As Recommended by the Board of Appeals**

Case #: 2006-47

Address: 13933 N. Pawnee 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 variances will facilitate the division of the house from the cropland.**

- (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 variances will allow all of the cropland to remain zoned agriculture.**

- (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.**

RECAP  
(For County Board Use)

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

DOCKET NUMBER: **20006-47**

ADDRESS: **13933 N. Pawnee Road, Pawnee, IL 62558**

PETITIONER: **Estate of Lorena E. Wagner**

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

REQUESTED ZONING CLASSIFICATION: **"R-1" Single Family Residence with a variance to allow the lot depth to exceed the lot width by more than 2 ½ times for 1 parcel**

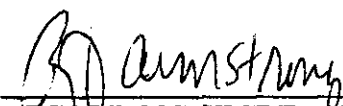
AREA: **33.88 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of rezoning since the LESA score is 211 and indicates the property is suitable for agriculture use only. The Standards of Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **The request to rezone from "A" Agriculture to "R-1" Single Family Residence be denied but in the alternative that a variance of the lot area requirement to allow 2 parcels less than 40 acres and a variance to allow the lot depth to exceed the lot width by more than 2 ½ times for 1 parcel be approved.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>20006-47</b>
<b>Estate of Lorena E. Wagner</b> )	)
)	PROPERTY LOCATED AT:
)	<b>13933 N. Pawnee Road</b>
)	<b>Pawnee, IL 62558</b>
)	)

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 **August 17, 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 **13933 N. Pawnee Road, Pawnee, IL 62558** and more particularly described as:

**S ½ SE ¼ of Section 1, T 13 N, R 5 W of the 3<sup>rd</sup> P.M.; except the North 46 rods thereof Sangamon County, Illinois**

Page 2

- 3. That the present zoning of said property is "A" Agricultural.
- 4. That the present land use of said property is SFR & Cropland.
- 5. That the proposed land use of said property is SFR & Cropland.
- 6. That the requested rezoning and variance of said property is: from "A" Agriculture to "R-1" Single Family Residence and a variance to allow the lot depth to exceed the lot width by more than 2 1/2 times for 1 parcel.
- 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, but does support the proposition that the adoption of the proposed 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 be denied but in the alternative that the variances be granted.

Charles Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member Patrick Somers, in accord with the amended standards of variation, to recommend to the County Board that the variances be granted, which was duly seconded by Donn Malwick.

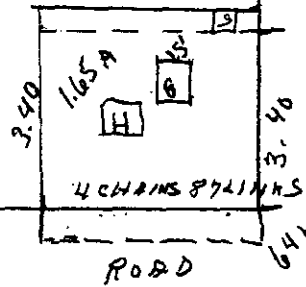
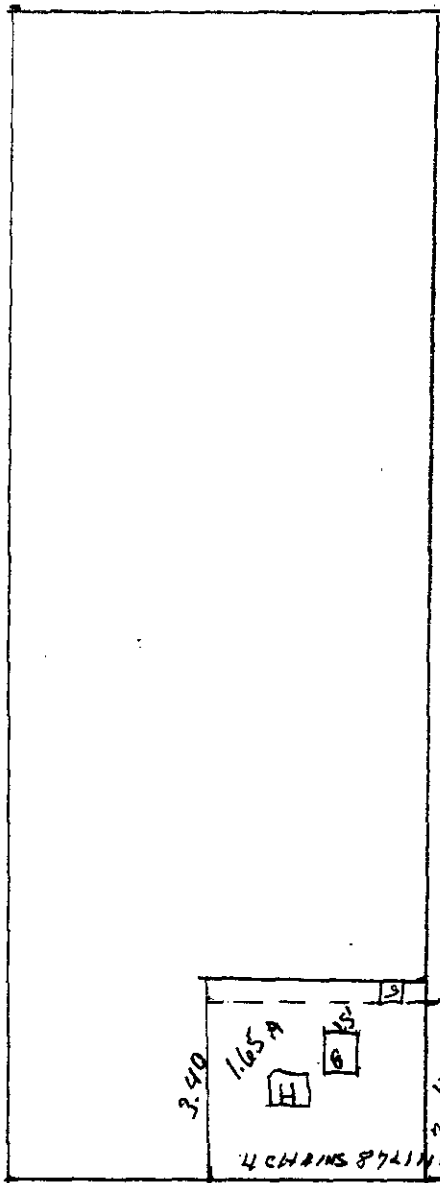
The vote of the Board was as follows:

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

NO:

ABSENT: Marvin Traylor, Barbara Braner

A. Ramsey  
RECORDING SECRETARY



CENTER ROAD

CENTER ROAD  
1.93 ACRES

38

36-06  
90-06

36-06  
300-002

PAWNEE RD

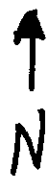
393

5

N. PAWNEE RD

7.69

759



2693.44

35-01  
400-008

512.85

2029.61

246.15

35-01  
400-007

SUBJECT PROPERTY

35-01  
400-005

499 R

241

35-12  
100-002

35-12  
200-009

35-12  
200-011

35-12  
200-012

F



ZONING AMENDMENT CHECK LIST

CASE #: 2006-47 3-9

INDEX #: 35-01-400-005

DATE: 7/31/06

INSPECTED BY: JH LW

PETITIONER: Estate of Lorena E. Wagner

ADDRESS: 13933 N. Pawnee Road TWP. 13N RANGE 5 W SEC. SE ¼ SEC. 1  
CITY OR VILLAGE OR NEAREST ONE: Pawnee

EXISTING ZONING: A PROPOSED ZONING: R-1 with Variance \*

LAND AREA: 33.88 acres ROAD FRONTAGE: 499 Lineal Ft. ROAD COND: Good

EXISTING LAND USE: Single family residence and cropland

PROPOSED LAND USE: Single family residence and cropland

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 120 ft. Side 216/312 ft. Rear 2340 ft.

SPOT ZONING: X  
Yes No

NEARBY LAND USE:

- a. To North A single family residence, cropland
- b. To South Cropland
- c. To East Cropland
- d. To West Cropland

OTHER COMMENTS: \* A variance is requested to allow the lot depth to exceed the lot width by more than 2 ½ times for one parcel.

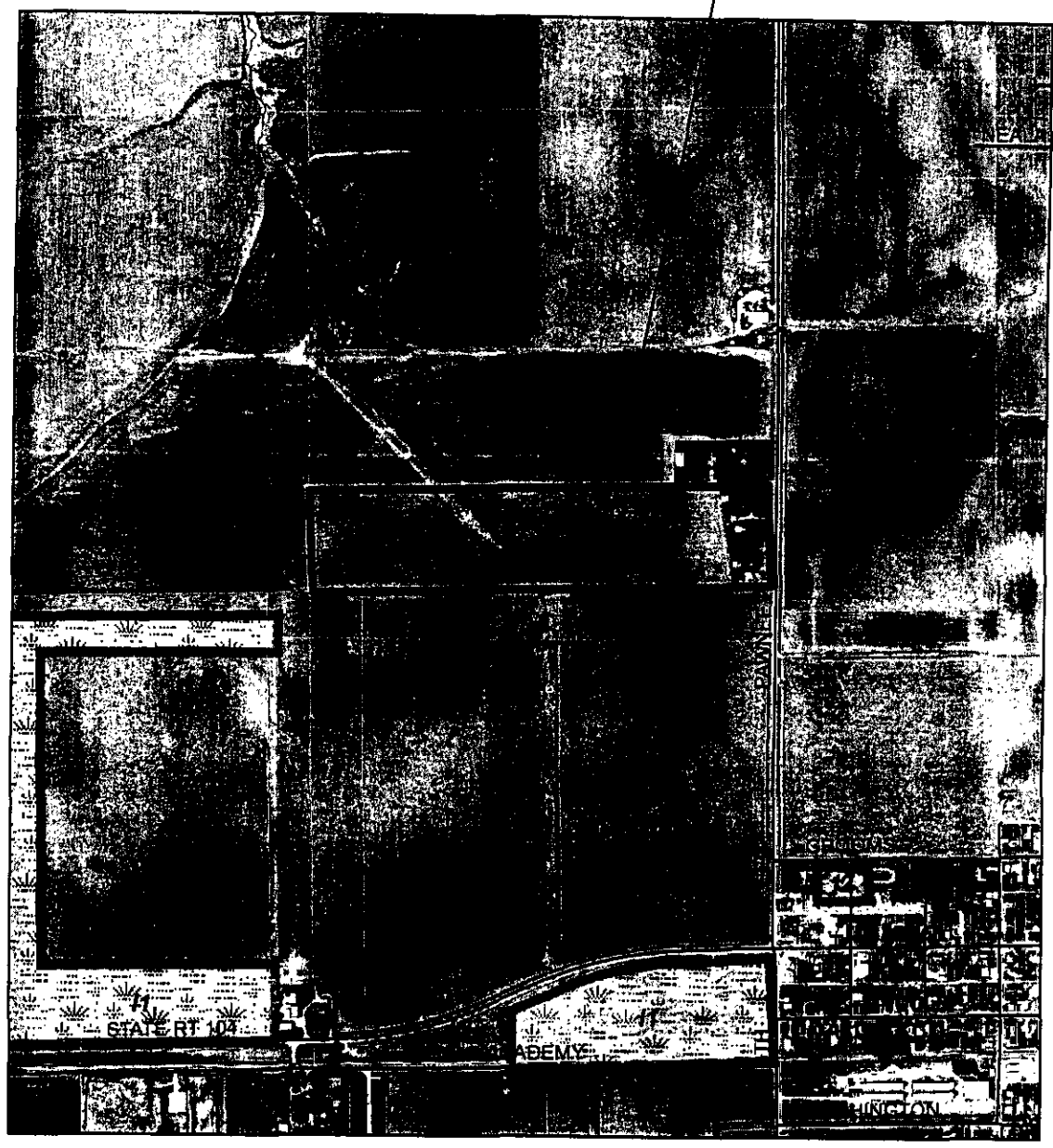
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwelling, density	X			
	school pop.	X			
	traffic volume	x			



JUL 31 2006

RECOMMENDATIONS: Recommend denial of rezoning since the LESA score is 211 and indicates the property is suitable for agriculture use only. The standards of variation are met.

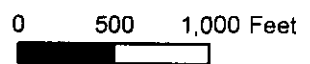
# County Zoning Case# 2006-47



## 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



**RECOMMENDED FINDINGS OF FACT**

Case #: **2006-47**

Address: **13933 N. Pawnee Road**

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

**There is a single family residence and cropland to the north. Cropland is in all other directions, however the town of Pawnee is a quarter mile to the south.**

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

**The area is completely agriculture zoning except for some I-1 along route 104 and I-2 a quarter mile south on Pawnee Road on the north edge of Pawnee, which has its own village zoning.**

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

**The LESA score is 211 which designates the property suitable for agriculture use only.**

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

**The trend has been stable.**

## RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2006-47

Address: 13933 N. Pawnee 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 house from the cropland.**

- (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.

**Because of already established farmed areas behind the farm residence this division would preserve the most farm land for production.**

- (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.

**The variation will not impact the above mentioned standards.**

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
<b>90% or more</b>	<b>20</b>	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
<b>90% or more</b>	<b>20</b>	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
<b>75-100%</b>	<b>10</b>	
50-74%	5	<b>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
<b>75% or more</b>	<b>20</b>	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
<b>Little or none</b>	<b>0</b>	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	
<b>No impact</b>	<b>0</b>	<b>0</b>
<b><u>CONDITION OF ROAD</u></b>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	<b>0</b>
<b>&gt; 20' pavement, 40' ROW or County or State Highway</b>	<b>0</b>	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	
Sewer over 600'-1200' away	8	<b>15</b>
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
<b>Not available</b>	<b>20</b>	
1,000-1,500' away	15	<b>20</b>
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	<b>0</b>
2.6-5 miles	5	
<b>0-2.5 miles</b>	<b>0</b>	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	<b>0</b>
<b>Less than 15 minutes</b>	<b>0</b>	

<b>SITE ASSESSMENT TOTAL</b>	<b>115</b>
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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	
<b>43</b>	<b>Ipava</b>	<b>Prime</b>	<b>72</b>	<b>100</b>	<b>72</b>
45	Denny	Prime		77	
<b>50</b>	<b>Virden</b>	<b>Prime</b>	<b>28</b>	<b>87</b>	<b>24</b>
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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>
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<b>96</b>
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<b>GRAND TOTAL</b>
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<b>211</b>
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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.**