

CASE # 2007-65
RESOLUTION NUMBER M-1
GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
2430 OLD BEARDSTOWN ROAD
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 Petitioner, **Shirley Shymansky**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-3" General Residence District;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 18, 2007**, 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 request for rezoning from "A" Agricultural District to "R-3" General Residence District but in the alternative, grant a rezoning to "R-2" Single Family and Two Family Residence District;** and

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

FILED

NOV 02 2007

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of November, 2007 that the request to rezone the above described property from "A" Agricultural District to "R-3" General Residence District is hereby denied but in the alternative, rezoning to "R-2" Single Family and Two Family Residence District is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of November, 2007.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Mike Sullivan

DOCKET NUMBER: 2007-65

ADDRESS: 2430 Old Beardstown Road, Springfield, IL 62702

PETITIONER: Shirley Shymansky

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-3" General Residence District to allow for a quadplex.

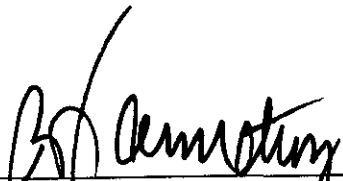
AREA: 4.15 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. With the close proximity of similar zoning and mixed uses in the area, R-3 zoning would be appropriate at this location.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Denial of the "R-3" but approval of "R-2"**



RECORDING SECRETARY

EXHIBIT A

That part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

Beginning at a point 4 chains and 9 links, North of the Southwest corner of said Quarter Quarter Section and running thence North 2 chains and 16 ½ links; thence East parallel with the south line of said Quarter Quarter Section 18.61 chains to the center of the Springfield and Beardstown Road; thence in a Southeasterly direction along the center line of said road to a point 4 chains and 9 links North of the south line of said Quarter Quarter Section and thence West to the place of beginning, containing 4.15 acres.

Also that part of the Northeast Quarter of the Northwest Quarter of Section 30 aforesaid, described as follows: Beginning at a point 4 chains and 9 links North of the Southeast corner of said Quarter Quarter Section and running thence West parallel with the South line of said Quarter Quarter Section to the East bank of Spring Creek; thence in a Northeasterly direction along the East Bank of Spring Creek, to a point 6 chains and 25 ½ links, North of the South line of said Quarter Quarter Section; thence East parallel with the South line of said Quarter Quarter Section of the east line of said Quarter Quarter Section and thence South 2 chains and 16 ½ links to the place of beginning, containing .85 acres, more or less.

175

14-30
203-014

14-30
203-018

SPRINGFIELD TWP.
CAPITAL TWP.

14-30
203-020

14-30
226-015

SPRINGFIELD TWP.
CAPITAL TWP.

14-30
203-004

Proposed
Quadrplex

House to be
removed

14-30
203-007

14-30
203-008

14-30
203-011

14-30
203-013

14-30
203-010

Jacksonville Branch

14-30
255-002

14-30
255-001

14-30
251-008

14-30
255-004

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2007-65
Shirley Shymansky)	
)	PROPERTY LOCATED AT:
)	2430 Old Beardstown Road
)	Springfield, IL 62702
)	

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 **October 18, 2007** 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 **2430 Old Beardstown Road, Springfield, IL 62702** 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.
- 5. That the proposed land use of said property is ~~Remove the Residence~~ and build a quadplex.
- 6. That the requested rezoning of said property is: from "A" Agricultural District to "R-3" General 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 amended 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 denied but in the alternative a rezoning to "R-2" 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 for "R-2" rather than "R-3", which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Marvin Traylor**

NO: **Peggy Egizii**

ABSENT:


 RECORDING SECRETARY

EXHIBIT A

That part of the Northwest Quarter of the Northeast Quarter of Section 30, Township 16 North, Range 5 West of the Third Principal Meridian, described as follows:

Beginning at a point 4 chains and 9 links, North of the Southwest corner of said Quarter Quarter Section and running thence North 2 chains and 16 ½ links; thence East parallel with the south line of said Quarter Quarter Section 18.61 chains to the center of the Springfield and Beardstown Road; thence in a Southeasterly direction along the center line of said road to a point 4 chains and 9 links North of the south line of said Quarter Quarter Section and thence West to the place of beginning, containing 4.15 acres.

Also that part of the Northeast Quarter of the Northwest Quarter of Section 30 aforesaid, described as follows: Beginning at a point 4 chains and 9 links North of the Southeast corner of said Quarter Quarter Section and running thence West parallel with the South line of said Quarter Quarter Section to the East bank of Spring Creek; thence in a Northeasterly direction along the East Bank of Spring Creek, to a point 6 chains and 25 ½ links, North of the South line of said Quarter Quarter Section; thence East parallel with the South line of said Quarter Quarter Section of the east line of said Quarter Quarter Section and thence South 2 chains and 16 ½ links to the place of beginning, containing .85 acres, more or less.

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 10/1/07 by AJ)

SANGAMON COUNTY ZONING CASE # 2007-65
 ADDRESS 2430 Old Beardstown Road
 Property Index # 14-30-203-004

PETITIONER Shymansky, Shirley

REQUESTED ZONING R-3

PROPOSED LAND USE Remove the single family residence and build a quadplex

EXISTING:

ZONING A

LAND USE Single family residence

ROAD FRONTAGE Old Beardstown Rd. 145' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

CONDITION OF STRUCTURE Fair

LOT AREA 4.15 acres

FRONT YARD 70'

SIDE YARDS 50' / 80'

REAR YARD 1110'

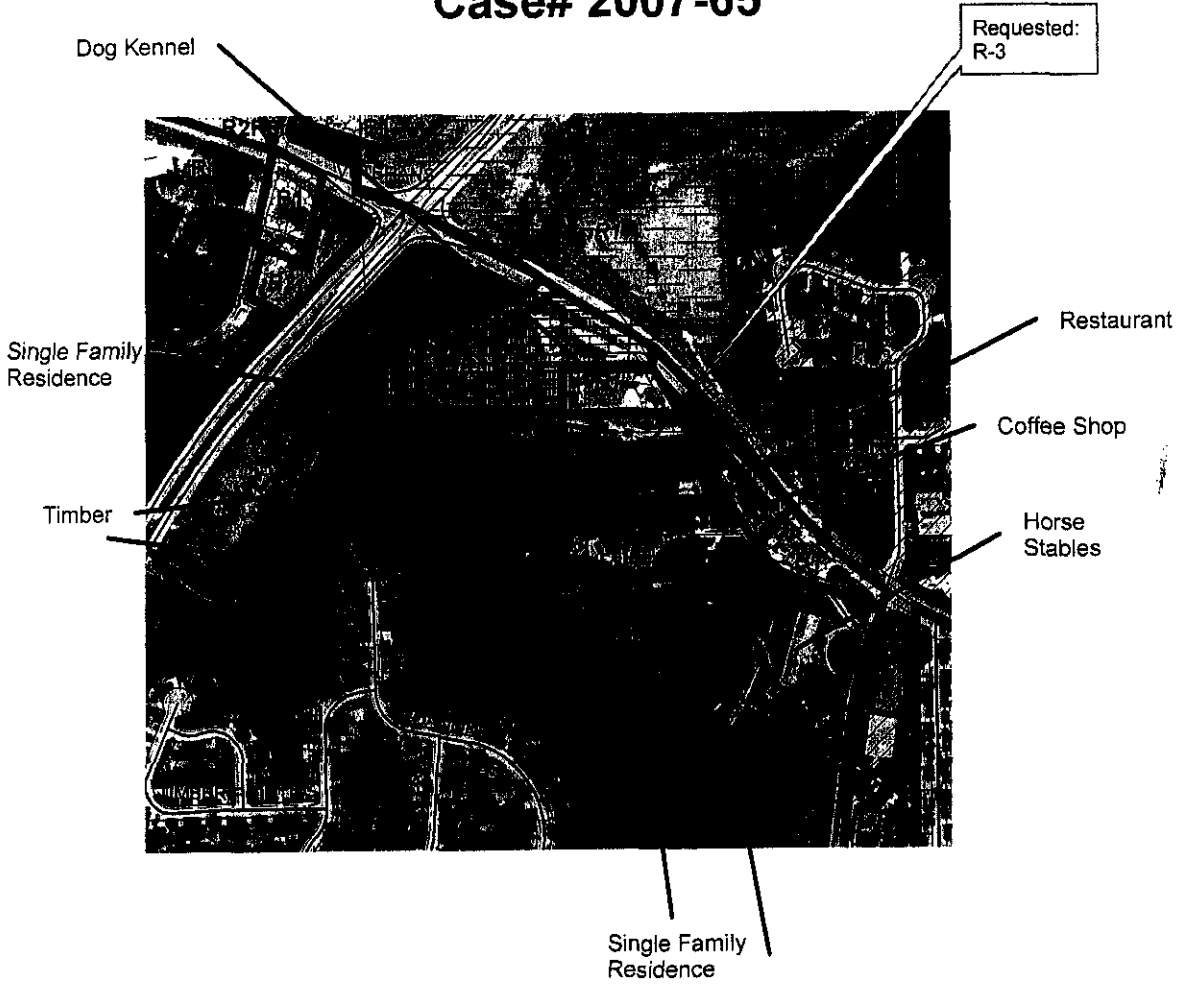


Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. With the close proximity of similar zoning and mixed uses in the area, R-3 zoning would be appropriate at this location.**

County Zoning

Case# 2007-65



County Zoning

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

City Zoning

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



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2007-65**

Address: **2430 Old Beardstown Road**

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

To the north is a single family residence and a dog kennel, to the east is a restaurant and coffee shop, to the south are single family residences and timber, to the west is timber.

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

To the north is City R-1, County R-3 and B-1. To the east is City S-2, to the south and west is agricultural zoning. To the southwest is City R-1.

- (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 73 indicates the property shall be deemed acceptable for non-agricultural development.

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

The area has remained stable. Property to the north was rezoned to B-1 in 1994.

Parcel # 14-30-203-004

Zoning Case # 2007-65

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	0
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	0
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	5
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL</u>		

<u>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	15
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	0
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		20
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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>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P		100	
46A	Herrick	P		100	

7037A	Worthen	P		100	
705A	Buckhart	P		98	
199B	Plano	P		98	
36B	Tama	P		98	
244A	Hartsburg	P2		98	
257A	Clarksdale	P2		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3	40	75	30
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	30	75	23
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P		75	
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Osco	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	

8D	Hickory	I		50
8D2	Hickory	I		50
280D3	Fayette	I		44
8D3	Hickory	I		44
8F	Hickory	N		44
549G	Marseilles	N	20	0
533	Urban Land	N		
536	Dumps	N		
	Orthents,			
830	Land	N		
862	Pits, Sand	N		
864	Pits, Quarries	N		
	Orthents,			
801C	Silty	N		
W	Water			

Prime/Important Farmlands Designations:

P: Prime farmland

P2: Prime where drained

P3: Prime where protected from flooding or flooding is less often than once in two years during the growing season.

P5: Prime where drained and either protected from flooding or flooding is less often than once in two years during the growing season.

I: Important farmland

N: Not Prime/Important Farmland

AGRICULTURAL LAND EVALUATION TOTAL	53
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GRAND TOTAL	73
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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.