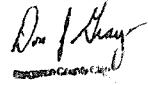


MAR 29 2024



**DENYING A REZONING, AND GRANTING A USE VARIANCE WITH CONDITIONS  
AND A VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
951 GAFFNEY ROAD DIVERNON, IL 62530  
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 a rezoning, but in the alternative grant a Use Variance with conditions and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Robert W. Britz Jr.**, has petitioned the Sangamon County Board requesting pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **March 21, 2024** 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 a rezoning, but in the alternative grant a Use Variance with conditions and a 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 **8<sup>th</sup> Day of April, 2024** that the following request(s) on the above described property is hereby denied:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,

The following recommendations on the above described property are hereby approved:

- Pursuant to Chapter 17.68.050(D), a Use Variance to allow furniture storage provided that:
  1. There is no outside storage, and
  2. The business is not open to the public; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this **8<sup>th</sup> day of April, 2024**.

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

## Exhibit A

Part of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of Section Four (4), Township Thirteen (13) North, Range (5) West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Commencing at a stone marking the center of the aforementioned Section (4), thence South along the Quarter Section line a distance of 1335.70 feet to the center line of a Township Road, thence West along said center line a distance of 1030.86 feet to the true point of beginning, thence continuing West along said center line a distance of 289.41 feet, thence North 225.77 feet to an iron pipe, thence East 289.41 feet to an iron pipe, thence South 225.77 feet to the true point of beginning, said tract contains 1.500 Acres, more or less.

Subject to easements, restrictions, reservations and exceptions of record.

Situated in Sangamon County, Illinois.

PIN# 35-04.0-300-014

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 6                      NAME: Tracy Sheppard

DOCKET NUMBER: 2024-006

ADDRESS: 951 Gaffney Road Divernon, IL 62530

PETITIONER: Robert Britz Jr.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 1.5 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning. The LESA score of 230 indicates the property is suitable for agricultural use only. In this case, the area has remained agricultural, so a spot of B-3 zoning is inappropriate. In the alternative, staff recommends approval of a Use Variance for furniture storage provided that: 1) there is no outside storage and 2) the storage is not open to the public. The subject property is 1.5 acres and consists of a shed. A Use Variance for the storage of furniture with the proposed limitations will have minor impacts on the area. Rock parking is consistent with the agricultural trend in the area. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
Approval of Staff Recommendation.

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2024-006**  
**Robert Britz Jr.** )  
)  
) PROPERTY LOCATED AT:  
) **951 Gaffney Road**  
) **Divernon, IL 62530**

RECOMMENDATION OF THE ZONING 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 **rezoning and 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 **March 21, 2024** 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, contract to purchase, or is the County Board Member representing the property commonly known as: **951 Gaffney Road Divernon, IL 62530** and more particularly described as:

**See Exhibit A**

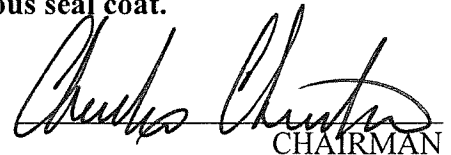
3. That the present zoning of said property is **“A” Agricultural District**.
4. That the present land use of said property is **a shed**.
5. That the proposed land use of said property is **furniture storage**.
6. That the requests for the subject property **are pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat**.
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 and is not solely in the interest of the petitioner(s) but in the alternative, **does** support the proposition that the adoption of a **Use Variance to allow furniture storage with conditions and a variance**.

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following request(s) **is hereby denied**:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from **“A” Agricultural District to “B-3” General Business District**.

The following recommendations on the above described property are hereby approved:

- Pursuant to Chapter 17.68.050(D), a Use Variance to allow furniture storage:
  1. There is no outside storage, and
  2. The business is not open to the public; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **George Petrilli**, which was duly seconded by **Phil Sidles**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) is hereby denied:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Chapter 17.68.050(D), a Use Variance to allow a furniture storage:
- There is no outside storage
- The business is not open to the public; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

The vote of the Board was as follows:

YES: **George Petrilli, Phil Sidles, Tony Mares, Don Wulf, Richard Thompson**

NO:

PRESENT:

ABSENT: **Charlie Chimento**

  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2024-006**

Address: **951 Gaffney Road, Divernon**

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

**North, East, & West – Cropland. South – Residence.**

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

**North, East, South, & West – A Agricultural.**

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

**The LESA score of 230 indicates the property is suitable for agricultural use only. In this case, the area has remained agricultural with four residences across Gaffney Road from the subject property, so a spot of B-3 zoning is inappropriate.**

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

**The trend of development in the area is agricultural with a couple rural residences on the south side of Gaffney Road.**



**SANGAMON COUNTY  
RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: **2024-006**

Address: **951 Gaffney Road, Divernon**

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

**The subject property is 1.5 acres and consists of a shed. A Use Variance for the storage of furniture with the proposed limitations will have minor impacts on the area.**

- (ii) that the variance is compatible with the trend of development in the area.

**The proposed furniture storage use with the proposed limitations will not be a detriment to the agricultural trend in the area.**

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

**The Use Variance with the proposed limitations will insure the business is in harmony with the purpose and intent of the Zoning Ordinance.**

- (iv) that the variance will not create a negative impact on the area, 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.

**Negative impacts are unlikely, provided the proposed conditions are accepted.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2024-006**

Address: **951 Gaffney Road, Divernon**

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.

**Based on the limitations proposed for the Use Variance, rock parking is consistent with the agricultural trend in the area.**

- (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 proposed furniture storage will not be open to the public and all furniture will be stored inside the existing building on the subject property.**

- (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.

**Negative impacts are not anticipated.**

**LAND EVALUATION AND SITE ASSESSMENT**

<b>Part 1: Site Assessment</b>	<b>Available Points</b>	<b>Points</b>
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>0</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
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>
Little or none	0	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	<b>0</b>
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>20</b>
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	<b>15</b>
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	<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>5</b>
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	<b>0</b>
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>		<b>130</b>
------------------------------	--	------------

**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	<b>97</b>	100	<b>97</b>
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P	<b>3</b>	98	<b>3</b>
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		75	
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		75	
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	0
533	Urban Land	N	
536	Dumps	N	
830	Orthents, Land	N	
862	Pits, Sand	N	
864	Pits, Quarries	N	
801C	Orthents, 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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>100</b>
---	------------

<b>GRAND TOTAL</b>	<b>230</b>
--------------------	------------

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.