

**GRANTING A REZONING AND A VARIANCE  
FOR CERTAIN PROPERTY LOCATED AT  
6233 W. STATE ROUTE 97, PLEASANT PLAINS  
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 rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Steve and Kim Zaubi**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the “A” Agricultural District; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 19, 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 **grant a rezoning and a variance; and,**

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

**FILED**

SEP 25 2024

*R. M. ...*

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **8<sup>th</sup> Day of October, 2024** that the following request(s) on the above described property are hereby approved:

**For Proposed Parcel 1:**

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

**For Proposed Parcel 2:**

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the “A” Agricultural District.

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

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

**ATTEST:**

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

**Exhibit A**

Part of the East Half of Section 16, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

The East Half of the Northeast Quarter of said Section 16.

AND

Part of the East Half of the Southeast Quarter of said Section 16, Township 16 North, Range 6 West of the Third Principal Meridian, bounded as follows, to-wit; Beginning in the middle of Beardstown Road 7 chains and 9-1/2 links North from the Southeast corner of said Section 16 and running thence North 33 chains and 14 links to the Northeast corner of said Quarter Section; thence West 20 chains and 11 links to the Northwest corner of said East Half of the Southeast Quarter; thence South 25 chains and 83-1/3 links to the middle of said Beardstown Road; and thence Southeast along the middle of said road to the beginning

Containing 138.71 Acres, more or less

PIN: 13-16.0-400-008, 13-16.0-400-013, 13-16.0-400-014, and 13-16.0-400-015

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 1                      NAME: Tom Fraase Jr.

DOCKET NUMBER: 2024-022

ADDRESS: 6233 W. State Rt. 97, Pleasant Plains, IL 62677

PETITIONER: Steve and Kim Zaubi

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District; and, for Proposed Parcel 2: Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the "A" Agricultural District.**

AREA: 139.64 acres

COMMENTS: Yes

OBJECTORS: No

PLANNING COMMISSION STAFF RECOMMENDATION: **AMENDED**: Recommend approval of the requested B-3 zoning based on the testimony presented at the ZBA hearing. The petitioner is proposing to construct self-service storage facilities on Proposed Parcel 1. While the LESA score of 171 indicated the property is marginal requiring mitigating factors for non-agricultural development, the parcel is located to the west of existing B-3 zoning granted in 2021 (multiple uses including dog daycare & kennel) which initiated a trend of commercial development in this immediate vicinity. IDOT is planning to expand Route 97 into a four-lane roadway limiting the number of ingress/egress access points. Farmington Cemetery Road will be extended north of Route 97 to provide the owner with access to their property. The new road will then extend immediately to the west to serve as access to a neighboring property. The owner is currently working with IDOT to obtain access to Proposed Parcel 1 from the public portion of the northern section of Farmington Cemetery Road. If the access is not provided by IDOT, the property owner will improve and maintain the private driveway to the north in a manner sufficient to accommodate the proposed business as well as farm equipment and the existing residential use. The plan for the improvements to the private drive will be submitted to the County Zoning Administrator and approved by the Sangamon County Engineer prior to construction. Recommend approval of the variance to allow Proposed Parcel 2 to have 0 feet of road frontage. Based on the testimony, staff agrees that the property is hampered by IDOT restrictions that cut off access to the cropland without the use of parcel -008. The Standards for Variation are met.

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

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RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2024-022**  
**Steve and Kim Zaubi** )  
)  
) PROPERTY LOCATED AT:  
) **6233 W. State Rt. 97,**  
) **Pleasant Plains, IL 62677**

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 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 **September 19, 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: **6233 W. State Rt. 97, Pleasant Plains, IL 62677** 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 **cropland**.
5. That the proposed land use of said property is **for Proposed Parcel 1: Self-service storage facility and recreational vehicle storage; and, for Proposed Parcel 2: Cropland**.
6. That the request(s) for the subject property **are for Proposed Parcel 1: pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the “A” Agricultural 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 **rezoning and 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 following request(s) **are hereby approved**:

**For Proposed Parcel 1:**

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

**For Proposed Parcel 2:**

- **Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the “A” Agricultural District.**

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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 **Richard Thompson**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following requests are hereby approved:

- **For Proposed Parcel 1:**
  - Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- **For Proposed Parcel 2:**
  - Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow the road frontage to be approximately zero (0) feet instead of the required one hundred fifty (150) feet in the “A” Agricultural District.

The vote of the Board was as follows:

YES:           **George Petrilli, Richard Thompson, Anthony Mares, Charlie Chimento**

NO:

PRESENT:

ABSENT:     **Don Wulf**

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RECORDING SECRETARY

**AMENDED:  
SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2024-022**

Address: **6233 W. State Route 97, Pleasant Plains**

- (i) Existing uses of property within the general area of the property in question.  
**North, South, & West – Cropland. East – Dog kennel and cropland.**
- (ii) The zoning classification of property within the general area of the property in question.  
**North, South, & West – Agricultural. East – B-3 & Agricultural.**
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score of 171 indicates the property is marginal requiring mitigating factors for non-agricultural development. Self-service storage facilities are not permitted in the existing Agricultural District. While other B-3 zoning is east of the subject property, staff has concerns allowing a business at the proposed location considering IDOT is establishing access restrictions along State Route 97 as part of the highway expansion project. According to IDOT's preferred alignment and the petition's Sheet C1, the location would no longer have road frontage. As such, staff would need some verification from IDOT that the proposed access configuration would support a commercial enterprise.

**AMENDED:** While the LESA score of 171 indicated the property is marginal requiring mitigating factors for non-agricultural development, the parcel is located to the west of existing B-3 zoning granted in 2021 (multiple uses including dog daycare & kennel) which initiated a trend of commercial development in this immediate vicinity. IDOT is planning to expand Route 97 into a four-lane roadway limiting the number of ingress/egress access points. Farmington Cemetery Road will be extended north of Route 97 to provide the owner with access to their property. The new road will then extend immediately to the west to serve as access to a neighboring property. The owner is currently working with IDOT to obtain access to Proposed Parcel 1 from the public portion of the northern section of Farmington Cemetery Road. If the access is not provided by IDOT, the property owner will improve and maintain the private driveway to the north in a manner sufficient to accommodate the proposed business as well as farm equipment and the existing residential use. The plan for the improvements to the private drive will be submitted to the County Zoning Administrator and approved by the Sangamon County Engineer prior to construction.

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

**The trend of development is predominantly agricultural with some rural residences in the area. In 2021, B-2 was denied, but a Use Variance was granted for a used auto sales internet-based business along with a paving variance. In 2021, B-3, a multiple use variance, a paving variance, and a variance to allow an agricultural use in the B-3 District was granted to the east of the subject property.**

**AMENDED:  
SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2024-022

Address: 6233 W. State Route 97, Pleasant Plains

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.

**As the variance request is dependent on the B-3 zoning, which is recommended for denial, the variance is unnecessary.**

**AMENDED:** With IDOT's new alignment for State Route 97, access will be restricted for the subject property and the only way to access the cropland would be through the existing -008 parcel.

- (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.

**As the variance request is dependent on the B-3 zoning, which is recommended for denial, the variance is unnecessary.**

**AMENDED:** The petition states, "IDOT is planning to make Rt. 97 access restrictions, the property would not have road frontage in the future." Based on the testimony, staff agrees that the property is hampered by IDOT restrictions that cut off access to the cropland without the use of parcel -008.

- (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.

**As the variance request is dependent on the B-3 zoning, which is recommended for denial, the variance is unnecessary.**

**AMENDED:** Negative impacts are not anticipated as Proposed Parcel 2 will continue to be cropland with access being utilized through parcel -008.

**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>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>20</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>5</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	
No impact	0	<b>0</b>

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</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>0</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	
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>90</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>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	19	100	19
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	29	87	25
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	7	75	5
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	43	74	32
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>81</b>
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<b>GRAND TOTAL</b>	<b>171</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.