

Res. Tabled
5/13/25

VOTE ROLL CALL

[illegible][illegible]

**DENYING A REZONING, AND GRANTING A USE VARIANCE WITH A
CONDITION AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
2248 W. STATE ROUTE 29, ATHENS, IL 62613
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 a condition and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Jesse Staab**, has petitioned the Sangamon County Board requesting pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial 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 **April 17, 2025** 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 a condition and a variance**; and,

FILED

APR 23 2025


Sangamon County Clerk

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 13th Day of May, 2025 that the following request on the above described property is hereby denied:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial 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 tree service business, including outside storage of equipment, provided that 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 13th day of May, 2025.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

Exhibit A

All that part of the East Half of the Northeast Quarter of Section 6, Township 17 North, Range 5 West of the Third Principal Meridian, lying West of the right-of-way of the St. Louis, Peoria, and North Western (now Chicago & North Western) Railway Company, containing 2.5 acres, more or less.

Situated in Sangamon County, Illinois.

PIN#:06-06.0-200-001

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Tom Fraase

DOCKET NUMBER: 2025-004

ADDRESS: 2248 W. State Route 29, Athens, IL 62613

PETITIONER: Jesse Staab

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.28, a rezoning from "A" Agricultural District to "I-1" Restricted Industrial 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: 2.5 Acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested I-1 zoning. The LESA score of 192 indicates the subject property is suitable for agricultural use only. In this case, the area has remained agricultural, so a spot of I-1 zoning is inappropriate. In the alternative, staff recommends approval of a Use Variance for a tree service business including outside storage of equipment provided the business is not open to the public. Granting a Use Variance for the tree service business will allow the petitioner to have the necessary outside storage for the business while keeping the parcel zoned Agricultural to be in harmony with the agricultural trend in the area. For the paving variance, the petition states the business will use heavy equipment which would cause continuous repairs to a paved surface. 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: **2025-004**
Jesse Staab)
)
) PROPERTY LOCATED AT:
) **2248 W. State Route 29,**
) **Athens, IL 62613**

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 **April 17, 2025** 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: **2248 W. State Route 29, Athens, IL 62613** 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 **Tree service business.**
5. That the proposed land use of said property is **Tree service business with a billboard.**
6. That the requests for the subject property are pursuant to Chapters 17.68 and 17.28, a rezoning from **"A" Agricultural District to "I-1" Restricted Industrial 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 a tree service business with a condition 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 is hereby denied:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from **"A" Agricultural District to "I-1" Restricted Industrial 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 tree service business including outside storage of equipment provided that 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 **Anthony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request is hereby denied:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from "A" Agricultural District to "I-1" Restricted Industrial 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 tree service business, including outside storage of equipment, provided that 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, Anthony Mares, Don Wulf, Richard Thompson, Charlie Chimento**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2025-004**

Address: **2248 West State Route 29, Athens**

- (i) Existing uses of property within the general area of the property in question.
North, East, South, & West – Cropland.
- (ii) The zoning classification of property within the general area of the property in question.
North, East, & South – Agricultural. West – Menard County Agricultural.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score of 192 indicates the subject property is suitable for agricultural use only. In this case, the area has remained agricultural, so a spot of I-1 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. In 2018, R-1 and a variance for a parcel less than 40 acres were granted for two parcels east of the subject property. In 2008, a CPU for scales for a grain elevator was granted for parcels northeast of the subject property.

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS**

Case #: **2025-004**

Address: **2248 West State Route 29, Athens**

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 recommended Use Variance will allow the tree service business to continue operating on the subject property while ensuring more intense industrial uses are not permitted should the tree service business close.

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

The trend of development in the area is agricultural, so granting a Use Variance for the tree service business will ensure the parcel would not be able to develop with other industrial uses should the business ever close.

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

Granting a Use Variance for the tree service business will allow the petitioner to have the necessary outside storage for the business while keeping the parcel zoned Agricultural to be in harmony with the agricultural trend in the area.

- (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 not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2025-004**

Address: **2248 West State Route 29, Athens**

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 tree service business will not be open to the public, and the rock parking lot is consistent with the trend toward non-pavement in the area. Additionally, the petition states the business will use heavy equipment which would cause continuous repairs to a paved surface.

- (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 tree service business will not be open to the public and will only have employees coming to the site which provides a unique circumstance to grant the requested paving variance.

- (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**Part 1: Site Assessment**

Part 1: Site Assessment		Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>			
90% or more	20	20	
75-89%	10		
50-74%	5		
Under 50%	0		
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>			
90% or more	20	20	
75-89%	10		
50-74%	5		
Under 50%	0		
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>			
75-100%	10	0	
50-74%	5		
Under 50%	0		
<u>COUNTY SECTOR</u>			
Rural	20	10	
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	20	
50-74%	10		
25-49%	5		
Less than 25% or sewer available	0		
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>			
Negative impact	15	0	
Little or none with protective measures	5		
Little or none	0		
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>			
Negative impact	10	0	
No impact	0		

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	0
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	0
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL**105**

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	100	87	87
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osko	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	Osko	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

AGRICULTURAL LAND EVALUATION TOTAL

87

GRAND TOTAL

192

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.