

CASE# 2017-011
RESOLUTION NUMBER 10-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
411 GABBERT ROAD, CANTRALL, IL 62625
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 and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Brian & Helen Rector**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) in height; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 16, 2017** 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 the rezoning and variances**; and,

FILED

MAR 29 2017

Don J. Hayes
Sangamon County Clerk

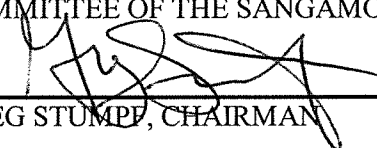
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of April, 2017** that the request for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be greater than the maximum height allowed in the "R-1" Single-Family Residence District of eighteen (18) feet (approximately 24 feet) in height; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10th day of April, 2017.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Tract I (PIN 06-16.0-400-008)

The South Half of the Southeast Quarter of Section Sixteen (16), Township Seventeen (17) North, Range Five (5) West of the Third Principal Meridian, Sangamon County, Illinois; EXCEPTING THEREFROM the following described tract: Beginning at a point on the South boundary of said Quarter Section, which said point of beginning is 192 feet East of the Southwest corner of said Quarter Section; running thence East along said South line 660 feet, thence North 416 feet, thence West 660 feet, thence South 416 feet to the point of beginning.

AND

Tract II (PIN 06-16.0-400-007)

Part of the Southwest Quarter of the Southeast Quarter of Section 16, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at a point on the South boundary of said Quarter Quarter Section, which said point of beginning is 192 feet East of the Southwest corner of the Southeast Quarter of said Section 16; running thence East along the South line of said Quarter Quarter Section 660 feet; thence North 416 feet; thence West 660 feet; and thence South 416 feet to the point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #2 NAME: **Todd Smith**

DOCKET NUMBER: **2017-011**

ADDRESS: **411 Gabbert Road, Cantrall, IL 62625**

PETITIONER: **Brian & Helen Rector**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) in height; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).**

AREA: **80 acres**

COMMENTS: **None**

OBJECTORS: **None**

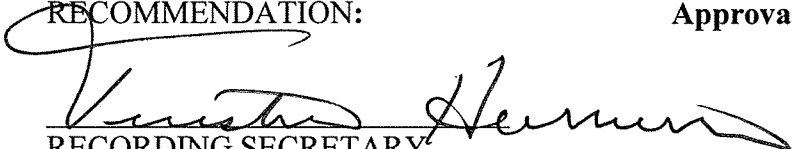
PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The purpose of this case is to allow two parcels to be reconfigured. The LESA score of 149 indicates the property is suitable for non-agricultural development. Proposed Parcel 1 is being split off from parcel -008 and a portion of parcel -007. The variances are requested because of the proposed lot split so a new residence can be built on Proposed Parcel 1, and the balance of the property can remain in cropland as a separate parcel. Proposed Parcel 1 contains an area of timber and a drainage way located on parcel -008 that make it less likely**

this area would revert to cropland. For the garage, other parcels in the area are zoned Agricultural, which has no height restrictions. The Standards for Variation are met.

SANGAMON COUNTY 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: 2017-011
Brian & Helen Rector)	
)	PROPERTY LOCATED AT:
)	411 Gabbert Road
)	Cantrall, IL 62625

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 variances** 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 16, 2017** 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: **411 Gabbert Road, Cantrall, IL 62625** 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 **single-family residence and agricultural.**
- 5. That the proposed land use of said property is **two single-family residences and agricultural.**
- 6. That the requested **rezoning and variances** of said property are for **Proposed Parcel 1 a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) in height; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).**
- 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 variances** are 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 and variances** be **approved.**

CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, 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** which was duly seconded by **Don Wulf**.


The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Merilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-011**

Address: **411 Gabbert Road, Cantrall**

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

North – Cropland. East – Cropland and residential. South – Residential. West – Residential & timber.

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

North & Southwest – R-1. West, East, & South – Agricultural.

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

The LESA score of 149 indicates the property is suitable for non-agricultural development. A residence is an allowable use in either the Agricultural or R-1 districts. Proposed Parcel 1 is being split off from parcel -008 and a portion of parcel -007. The proposed northern boundary would follow a drainage way and includes an area of timber, which makes it unlikely Proposed Parcel 1 would economically revert to cropland.

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

The area has a trend toward rural residential including two subdivisions located south of the subject property due to the presence of a public water supply (Athens).

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-011**

Address: **411 Gabbert Road, Cantrall**

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 are requested because of the proposed lot split so a new residence can be built on Proposed Parcel 1, and the balance of the property can remain in cropland as a separate parcel. Proposed Parcel 1 contains an area of timber and a drainage way located on parcel -008 that make it less likely this area would revert to cropland. For the garage, other parcels in the area are zoned Agricultural, which has no height restrictions.

- (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.

There is a drainage way located in the northwest portion of parcel -008 providing a natural division between the tillable and non-tillable ground for Proposed Parcel 1. Regarding the height variance for the proposed garage, other parcels in the area are zoned Agricultural, which has no height restrictions.

- (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 negative impacts are anticipated in granting the requested variances.

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	5
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	5
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	0
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	0

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16'-18' pavement, 40' ROW	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	15
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	5
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	70
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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	2	100	2
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	8	98	8
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	

1015

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	9	87	8
3451A	Lawson	P3	6	75	5
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	36.5	75	27
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	Oscos	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I	6.5	74	5
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	16	74	12
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	16	74	12
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			

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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	79
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GRAND TOTAL	149
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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.