

CASE# 2017-019  
RESOLUTION NUMBER 12-1

**DENY THE REZONING, GRANT A USE VARIANCE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**13996 COTTON HILL ROAD, PAWNEE**  
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 the amendment, but in the alternative grant a use variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**Lot Six (6) of Final Plat II of Blakedale Subdivision, Sangamon County, Illinois.**

WHEREAS, the Petitioner, **Mike Sharp**, has petitioned the Sangamon County Board for **a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District, and a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, a variance to allow a single-family residence in the “I-1” Restricted Industrial District; and, a variance to allow a portion of 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 20, 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 **deny the rezoning, but in the alternative grant a use variance to allow a welding shop, a variance to allow two uses on one parcel a) single-family**

**FILED**

APR 27 2017

*Don J. King*  
Sangamon County Clerk

residence and b) a welding shop, and a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat; 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 9<sup>th</sup> Day of May, 2017 that the request for a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District is denied; but in the alternative, a use variance to allow a welding shop is approved; a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, and, a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of May, 2017.

Respectfully submitted,

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

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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DAVID MENDENHALL, VICE CHAIRMAN

\_\_\_\_\_  
CRAIG HALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
ABE FORSYTH

\_\_\_\_\_  
JASON RATTS

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
ANNETTE FULGENZI

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LINDA FULGENZI

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LISA HILLS

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MIKE SULLIVAN

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ROSE RUZIC

**ATTEST:**

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SANGAMON COUNTY CLERK

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COUNTY BOARD CHAIRMAN

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**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #4                      NAME: **Jeff Thomas**

DOCKET NUMBER: **2017-019**

ADDRESS: **13996 Cotton Hill Road, Pawnee, IL 62558**

PETITIONER: **Mike Sharp**

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

REQUESTED ZONING CLASSIFICATION: **“I-1” Restricted Industrial District. A variance to allow two (2) uses on one parcel (single-family residence and welding shop); a variance to allow a single-family residence in the “I-1” Restricted Industrial District; and, a variance to allow a portion of the parking lot to remain unpaved (rock) instead of the required minimum bituminous seal coat.**

AREA: **1.65 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning. The petitioner requests a rezoning to I-1 to construct and operate a welding shop on the subject property. The LESA score of 114 indicates the property is suitable for non-agricultural development. However, the proposed I-1 zoning is seen as too intense for the area.**

**In the alternative, staff recommends a Use Variance in the A district to allow a welding shop limited to the proposed 40’x48’ building. The petitioner was previously granted a use variance (Zoning Case #2006-049) to operate a welding shop at his former residence located north of the subject property at 12515 Cotton Hill Road. The welding shop would work**

on and repair farm machinery, which by its nature should be located near agricultural uses.

Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (single-family residence and welding shop) for the reasons outlined in the previous paragraph. The Standards for Variation are met for this request.

The variance requested to allow a single-family residence in the I-1 District is not necessary due to the staff's recommendation of denial for the I-1 rezoning request.

Recommend denial of the requested variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat. No particularly unique circumstances were mentioned in the petition to justify granting the paving variance. The Standards for Variation are not met for this request.

AMENDED: Recommend approval of the Use Variance as referenced above. Also recommend approval of the variance based on the amended Standards for Variation read into the record.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval of the Amended Staff Recommendation.

  
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: 2017-019
<b>Mike Sharp</b> )	
)	PROPERTY LOCATED AT:
)	<b>13996 Cotton Hill Road</b>
)	<b>Pawnee, IL 62558</b>

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 **April 20, 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: **13996 Cotton Hill Road, Pawnee, IL 62558** and more particularly described as:

**Lot Six (6) of Final Plat II of Blakedale Subdivision, Sangamon County, Illinois.**

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is a **single-family residence.**
5. That the proposed land use of said property is a **single-family residence and welding shop.**
6. That the requested **rezoning** of said property is **rezoning from “A” Agricultural District to “I-1” Restricted Industrial District is denied; but in the alternative, a use variance to allow a welding shop is approved; a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, and, a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat on the above described property is hereby approved.**

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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 welding shop, a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, and, a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat** 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, grant a Use Variance to allow a welding shop, a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, and, a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

  
CHAIRMAN <sub>TC</sub>

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but in the alternative, grant a Use Variance to allow a welding shop, a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence, (b) welding shop, and, a variance to allow a portion of the parking to remain unpaved (rock) instead of the required bituminous seal coat.** which was duly seconded by **Larry Beaty**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY



**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-019**

Address: **13996 Cotton Hill Road, Pawnee**

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

**North & South – Single-family residences. East & West – Cropland and timber.**

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

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

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

**A welding shop is not a permitted use in the Agricultural District. The LESA score of 114 indicates the property is suitable for non-agricultural development. However, the proposed I-1 zoning is seen as too intense of zoning for the area.**

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

**The area has remained mostly rural residential with the Village of Pawnee located southwest of the subject property. In 2006, the petitioner was granted a use variance for a welding shop within a 48'x50' building at his former residence north of the subject property. In 2009, I-1 with a CPU for a concrete batch plant was granted southeast of the subject property. In 2001, a variance was granted northeast of the subject property. In 2000, a variance was granted south of the subject property. In 1991, R-1 and variances were denied northeast of the subject property. In 1980, R-1 was granted for parcels north of the subject property.**

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
(WELDING SHOP IN THE A DISTRICT & TWO USES ON ONE PARCEL:  
WELDING SHOP AND SINGLE-FAMILY RESIDENCE)**

Case #: 2017-019

Address: 13996 Cotton Hill Road, Pawnee

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 petitioner was previously granted a use variance (Zoning Case #2006-049) to operate a welding shop at his former residence located north of the subject property at 12515 Cotton Hill Road. The welding shop would work on and repair farm machinery, which by its nature should be located near agricultural uses.**

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

**Granting a use variance for this property would be consistent with the trend of development in the area. In 2006, the County Board granted a use variance to the petitioner for a welding shop in a 48'x50' building at his previous residence north of the subject property at 12515 Cotton Hill Road. The petitioner is now proposing a 40'x48' building providing a smaller building footprint for the use variance.**

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

**The petitioner has stated the welding shop would serve local farmers and other people in the area servicing anything from big farm machinery to mowing decks. Service of these types of equipment would be a benefit to the community which is made up of farmers that may need this type of service.**

- (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 in granting the requested variance.**

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

Case #: 2017-019

Address: 13996 Cotton Hill Road, Pawnee

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.

**Paving and striping the parking lot will help with internal vehicular circulation and could decrease the risk of accidents on the subject property.**

**AMENDED: The petitioner will be working on heavy farm equipment. It was his testimony that the nature and weight of the farm equipment would cause additional damage to the paving resulting in a potentially reduce yield of reasonable return. The petitioner proposes using aggregate that he will then be re-piling back on the parking area to keep it solid for internal circulation.**

- (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.

**No particularly unique circumstances were mentioned in the petition to justify granting the paving variance.**

**AMENDED: This particular property is in an agricultural area. Agricultural uses, by their nature, are not required to pave. In this particular case, the petitioner will be operating a business which is to his benefit, but that also benefits the community in that the petitioner will be working on farm equipment. To some extent there is plight related directly to this property because of its location in an agricultural area which is needed because of the proposed use.**

- (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.

**Paving the lot could ease internal traffic circulation on the subject property.**

**AMENDED: No negative impact is anticipated.**

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Parcel # 36-05-377-001

Zoning Case # 2017-019

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

**Available Points      Points**

<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	
<b>75-89%</b>	<b>10</b>	<b>10</b>
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	<b>0</b>
50-74%	5	
<b>Under 50%</b>	<b>0</b>	

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	<b>0</b>
<b>Under 50%</b>	<b>0</b>	

<u>COUNTY SECTOR</u>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	<b>0</b>
25-49%	5	
<b>Less than 25% or sewer available</b>	<b>0</b>	

<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
<b>Little or none</b>	<b>0</b>	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	<b>0</b>

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<b>No impact</b>	<b>0</b>	
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<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	
<b>&gt; 20' pavement, 40' ROW or County or State Highway</b>	<b>0</b>	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	
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	
<b>Public water available at site</b>	<b>0</b>	

<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	
<b>0-2.5 miles</b>	<b>0</b>	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	<b>0</b>
<b>Less than 15 minutes</b>	<b>0</b>	

<b>SITE ASSESSMENT TOTAL</b>	<b>35</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	<b>14</b>	100	<b>14</b>
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	

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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	Oscos	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	81	75	61
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		74	
119D	Elco	I		74	
127C2	Harrison	I	1	74	1
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	4	74	3
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>79</b>
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<b>GRAND TOTAL</b>	<b>114</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.