

FILED

CASE# 2013-052
RESOLUTION NUMBER 2-1

DEC 26 2013

GRANTING A REZONING AND VARIANCES

FOR CERTAIN PROPERTY LOCATED AT

Joe Diello
Sangamon County Clerk

**5200 BLOCK OF TURKEY RUN ROAD, SHERMAN
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 Petitioner, **Bruce Gilman**, has petitioned the Sangamon County Board for proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for proposed Parcel 2, a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width to allow for approximately nineteen (19) Acres to be divided off the existing forty-eight (48) acre parcel ; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 2013** 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


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 14th Day of January, 2014 that the request for proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for proposed Parcel 2, a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width to allow for approximately nineteen (19) Acres to be divided off the existing forty-eight (48) acre parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th Day of January, 2014.

Respectfully submitted,

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

ENTIRE PARCEL

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER, THENCE SOUTH 0°-40'-30" EAST, 2032.97 FEET TO THE SOUTH BANK OF WOLF CREEK; THENCE FOLLOWING THE MEANDERINGS OF SAID SOUTH BANK ACCORDING TO THE FOLLOWING COURSES; NORTH 61°-49'-21" WEST, 155.09 FEET; THENCE NORTH 66°-28'-35" WEST, 93.76 FEET; THENCE NORTH 73°05'-10" WEST, 96.29 FEET; THENCE NORTH 73°-23'-01" WEST, 211.27 FEET; THENCE NORTH 68°-18'-11" WEST, 76.99 FEET; THENCE SOUTH 82°-56'-20" WEST, 44.56 FEET; THENCE SOUTH 55°-48'-17" WEST, 47.43 FEET; THENCE SOUTH 50°-50'-54" WEST, 42.30 FEET; THENCE SOUTH 09°-17'-11" WEST, 62.20 FEET; THENCE SOUTH 07°-13'-55" EAST, 68.97 FEET; THENCE SOUTH 02°-34'-36" EAST, 143.16 FEET; THENCE SOUTH 32°-40'-23" WEST, 90.70 FEET; THENCE SOUTH 59°-01'-04" WEST, 71.33 FEET; THENCE SOUTH 81°-54'-07" WEST, 101.21 FEET; THENCE NORTH 76°-16'-32" WEST, 89.29 FEET; THENCE NORTH 69°-49'-05" WEST, 78.79 FEET; THENCE SOUTH 85°-17'-57" WEST, 88.31 FEET; THENCE SOUTH 60°-57'-50" WEST, 179.50 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 33; THENCE NORTH 0°-42'-23" WEST ON THE SECTION LINE, 1099.75 FEET; THENCE NORTH 89°-17'-38" EAST, 54.00 FEET; THENCE NORTH 33°-14'-59" EAST, 664.37 FEET; THENCE NORTH 31°-20'-00" EAST, 180.25 FEET; THENCE NORTH 39°-53'-00" EAST, 517.30 FEET; THENCE NORTH 0°-27'-33" WEST, 99.70 FEET TO THE NORTH LINE OF AFORESAID SOUTHWEST QUARTER OF SECTION 33; THENCE NORTH 89°-32'-26" EAST, 462.66 FEET TO THE POINT OF BEGINNING, CONTAINING 49.223 ACRES, MORE OR LESS.

PARCEL ONE DESCRIPTION

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST QUARTER, THENCE SOUTH 0°-40'-30" EAST ON THE QUARTER QUARTER SECTION LINE, 1518.02 FEET; THENCE NORTH 62°-28'-58" WEST, 428.22 FEET; THENCE SOUTH 89°-10'-30" WEST, 549.96 FEET; THENCE NORTH 2°-01'-51" EAST, 242.57 FEET; THENCE NORTH 7°-16'-54" EAST, 51.22 FEET; THENCE NORTH 21°-08'-26" EAST, 55.85 FEET; THENCE NORTH 34°-40'-17" EAST, 330.16 FEET; THENCE NORTH 43°-25'-30" EAST, 169.71 FEET; THENCE NORTH 69°-19'-49" EAST, 252.11 FEET; THENCE NORTH 6°-22'-31" WEST, 164.21 FEET; THENCE NORTH 19°-19'-06" EAST, 176.85 FEET; THENCE NORTH 44°-11'-17" EAST, 177.38 FEET; THENCE NORTH 0°-28'-37" WEST, 40.01 FEET TO A POINT ON THE NORTH LINE OF AFORESAID SOUTHWEST QUARTER; THENCE NORTH 89°-32'-26" EAST, 172.51 FEET TO THE POINT OF BEGINNING, CONTAINING 19.109 ACRES, MORE OR LESS.

PARCEL TWO DESCRIPTION

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 33, THENCE SOUTH 89°-32'-26" WEST ON THE QUARTER SECTION LINE, 172.51 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 0°-28'-37" EAST, 40.01 FEET; THENCE SOUTH 44°-11'-17" WEST 177.38 FEET; THENCE SOUTH 19°-19'-06" WEST 176.85 FEET; THENCE SOUTH 6°-22'-31" EAST, 164.21 FEET; THENCE SOUTH 69°-19'-49" WEST, 252.11 FEET; THENCE SOUTH 43°-25'-30" WEST, 169.71 FEET; THENCE SOUTH 34°-40'-17" WEST, 330.16 FEET; THENCE SOUTH 21°-08'-26" WEST, 55.85 FEET; THENCE SOUTH 7°-16'-54" WEST, 51.22 FEET; THENCE SOUTH 2°-01'-51" WEST 242.57 FEET; THENCE NORTH 89°-10'-30" EAST, 549.96 FEET; THENCE SOUTH 62°-28'-58" EAST, 428.22 FEET TO A POINT ON THE QUARTER, QUARTER SECTION LINE, THENCE SOUTH 0°-40'-30" EAST ON THE QUARTER QUARTER SECTION LINE, 514.95 FEET TO A POINT ON THE SOUTH BANK OF WOLF CREEK; THENCE FOLLOWING THE MEANDERINGS OF SAID SOUTH BANK ACCORDING TO THE FOLLOWING COURSES; NORTH 61°-49'-21" WEST, 155.09 FEET; THENCE NORTH 66°-28'-35" WEST, 93.76 FEET; THENCE NORTH 73°05'-10" WEST, 96.29 FEET; THENCE NORTH 73°-23'-01" WEST, 211.27 FEET; THENCE NORTH 68°-18'-11" WEST, 76.99 FEET; THENCE SOUTH 82°-56'-20" WEST, 44.56 FEET; THENCE SOUTH 55°-48'-17" WEST, 47.43 FEET; THENCE SOUTH 50°-50'-54" WEST, 42.30 FEET; THENCE SOUTH 09°-17'-11" WEST,, 62.20 FEET; THENCE SOUTH 07°-13'-55" EAST, 68.97 FEET; THENCE SOUTH 02°-34'-36" EAST, 143.16 FEET; THENCE SOUTH 32°-40'-23" WEST, 90.70 FEET; THENCE SOUTH 59°-01'-04" WEST, 71.33 FEET; THENCE SOUTH 81°-54'-07" WEST, 101.21 FEET; THENCE NORTH 76°-16'-32" WEST, 89.29 FEET; THENCE NORTH 69°-49'-05" WEST, 78.79 FEET; THENCE SOUTH 85°-17'-57" WEST, 88.31 FEET; THENCE SOUTH 60°-57'-50" WEST, 179.50 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 33; THENCE NORTH 0°-42'-23" WEST ON THE SECTION LINE, 1099.75 FEET; THENCE NORTH 89°-17'-38" EAST, 54.00 FEET; THENCE NORTH 33°-14'-59" EAST, 664.37 FEET; THENCE NORTH 31°-20'-00" EAST, 180.25 FEET; THENCE NORTH 39°-53'-00" EAST, 517.30 FEET; THENCE NORTH 0°-27'-33" WEST, 99.70 FEET TO THE NORTH LINE OF AFORESAID SOUTHWEST QUARTER OF SECTION 33; THENCE NORTH 89°-32'-26" EAST, 290.15 FEET TO THE POINT OF BEGINNING, CONTAINING 30.114 ACRES, MORE OR LESS.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Jim Good

DOCKET NUMBER: 2013-052

ADDRESS: 5200 Block of Turkey Run Road, Sherman, IL 62684

PETITIONER: Bruce Gilman

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 and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and, for proposed Parcel 2, a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one half (2 1/2) times the lot width to allow for approximately nineteen (19) Acres to be divided off the existing forty-eight (48) acre parcel.

AREA: 48.73 Acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested R-1 zoning. Although the Land Evaluation and Site Assessment score of 157 indicates the property is deemed marginal requiring mitigating factors for non-agricultural development, it is highly unlikely the proposed parcel to be developed with a single-family residence will ever be converted to cropland as it currently is pasture and surrounded by floodplain. Staff recognizes that much of the subject parcel is contained in the floodplain, however, the future home site is not in the floodplain as this has been confirmed with the Floodplain Administrator. Additionally, the owners are aware that they must use the existing driveway due to floodplain regulations. Recommend approval of the requested variances, as the standards have been met.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-052
Bruce Gilman)	
)	PROPERTY LOCATED AT:
)	5200 Block of Turkey Run Rd
)	Sherman, IL 62684

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 **December 19, 2013** 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: **5200 Block of Turkey Run Road, Sherman, IL** 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 pasture.
5. That the proposed land use of said property is **pasture and future single-family residence.**
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 and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and, for proposed Parcel 2, a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one half (2 1/2) times the lot width to allow for approximately nineteen (19) Acres to be divided off the existing forty-eight (48) acre parcel.**
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** 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 and variances** be **approved.**

Charles Chimento/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Judith Johnson**, 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**

Cyndi Knowles
 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-052

Address: In the 5200 Block of Turkey Run Road, Sherman

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

There are single-family residences to the west, north, east and southeast. There is timber and cropland to the south.

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

The property is surrounded by Agricultural zoning.

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

The Land Evaluation and Site Assessment score of 157 indicates the property is deemed acceptable for non-agricultural use only, however, the proposed parcel for a single-family residence development is pasture and is surrounded by floodplain and it is highly unlikely the parcel will be developed for an agricultural use.

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

The area has remained agricultural in character with many single-family residences built in the immediate vicinity.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-052

Address: In the 5200 Block of Turkey Run Road, Sherman

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 property contains a pasture with little or no yield for the property given the location of the floodplain on the property. Dividing the property for development with a single-family residence out of the floodplain in a manner that is in alignment with the topography will create some yield for the property. While this could be the case with similar properties, the topography has a negative effect on the overall possible yield for the property.

- (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 property is unique in that it contains floodplain and there is a natural division from the proposed home site from the remainder of the land.

- (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 impact is anticipated. There are several single-family residences in the area and the request is compatible with the trend of development.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	5
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	5
75-89%	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	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	10
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	5
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	
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	10
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	20
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	0
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	90
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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		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		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P		87	
684B	Broadwell	P		87	
50A	Viriden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

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Parcel # 07-33-300-014

Zoning Case # 2013-052

3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2	2	87	2
134A	Camden	P	6	87	5
17A	Keomah	P2		87	
3451A	Lawson	P3	29	75	22
3107A	Sawmill	P5		75	
7075B	Drury	P	7	75	5
8396A	Vesser	P2		75	
3074A	Radford	P3	12	75	9
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	10	74	7
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I	11	57	6
131D2	Alvin	I		57	
8D	Hickory	I		50	
8D2	Hickory	I	5	50	3
280D3	Fayette	I		44	
8D3	Hickory	I	9	44	4
8F	Hickory	N	8	44	4
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				

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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	67
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GRAND TOTAL	157
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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.