

CASE# 2015-039
RESOLUTION NUMBER 21

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4109, 4175 & IN THE 4100 BLOCK OF CAMP CILCA ROAD, CANTRALL
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, **Craig & Geraldine Schermerhorn**, have petitioned the Sangamon County Board for **Proposed Parcel 1: 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; for Proposed Parcel 2: 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 one (1) parcel less than forty (40) acres; for Proposed Parcel 3: 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 one (1) parcel less than forty (40) acres; and for Proposed Parcel 4: a variance to allow one (1) parcel less than five (5) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 15, 2015** 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

FILED

OCT 28 2015

Don J. May
Sangamon County Clerk

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 10th Day of November, 2015 that the request for Proposed Parcel 1: 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; for Proposed Parcel 2: 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 one (1) parcel less than forty (40) acres; for Proposed Parcel 3: 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 one (1) parcel less than forty (40) acres; and for Proposed Parcel 4: a variance to allow one (1) parcel less than five (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 November, 2015.

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

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

24

EXHIBIT A

Tract 1

The Southeast Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian Sangamon County, Illinois; Excepting therefrom Part of the Southeast Quarter of the Southeast Quarter of Section 23, Township 17 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Beginning at a stone marking the Southeast corner of the aforementioned Section 23, thence South 89° 27' 54" West along the section line a distance of 331.09 feet to an iron pipe, thence North 0° 34' 17" West a distance of 659.99 feet to an iron pipe, thence North 89° 27' 52 " East a distance of 329.47 feet to an iron pipe on the section line thence South 0 ° 42' 41" East a distance of 660.00 feet to the point of beginning. Said tract contains 5.004 acres, more or less, all in the County of Sangamon, State of Illinois.

Tract 2

Part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 17 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the Northeast corner of the aforementioned Section 26, thence South 89 degrees 27 minutes 54 seconds West along the section line a distance of 658.90 feet to an iron pipe marking the true point of beginning, thence South 0 degrees 17 minutes 25 seconds East a distance of 663.15 feet to an iron pipe; thence South 89 degrees 27 minutes 54 seconds West a distance of 327.99 feet to an iron pipe; thence North 0 degrees 24 minutes 53 seconds West a distance of 663.15 feet to an iron pipe on the section line; thence North 89 degrees 27 minutes 54 seconds East along the section line a distance of 329.45 feet to the true point of beginning, Sangamon County, Illinois.

Tract 3

Part of the Northeast Quarter of the Northeast Quarter of Section 26, Township 17 North, Range 6 West of the Third Principal Meridian, described more particularly as follows: Commencing at a stone marking the Northeast corner of the aforementioned Section 26, thence South 89 degrees 27 minutes 54 seconds West along the Section line a distance of 329.45 feet to an iron pipe marking the true point of beginning, thence South 0 degrees 9 minutes 50 seconds East a distance of 663.15 feet to an iron pipe; thence South 89 degrees 27 minutes 54 seconds West a distance of 327.99 feet to an iron pipe; thence North 0 degrees 17 minutes 25 seconds West a distance of 663.15 feet to an iron pipe on the Section line; thence North 89 degrees 27 minutes 54 seconds East along the Section line a distance of 329.45 feet to the true point of beginning, Sangamon County, Illinois.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: 11 NAME: Mike Sullivan

DOCKET NUMBER: 2015-039

ADDRESS: 4109, 4175 & In the 4100 Block of Camp Cilca Road, Cantrall, IL 62675

PETITIONER: Craig & Geraldine Schermerhorn

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION:

Proposed Parcel 1: 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; for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width and a variance to allow one (1) parcel less than forty (40) acres; for Proposed Parcel 3: a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width and a variance to allow one (1) parcel less than forty (40) acres; and for Proposed Parcel 4: a variance to allow one (1) parcel less than five (5) acres.

AREA: 45 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:

Recommend approval of the requested rezoning to R-1. The LESA score of 159 indicates the property is marginal for non-agricultural development, requiring mitigating factors. Staff believes the mitigating factors in this case are; the area has existing rural residential lots; R-1 is adjacent to the subject property; and the Petitioner indicates a design that appears to minimize the impact on the timber while preserving as much cropland as possible. Recommend approval of the requested variances. Granting the variances will allow the thirty-five (35) acre parcel with an existing residence to have road frontage in the event the

26

**new building site is sold. The Standards for
Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2015-039**
Craig & Geraldine Schermerhorn)
)
) **PROPERTY LOCATED AT:**
) **4109, 4175 & In the 4100 Block of**
) **Camp Cilca Road**
) **Cantrall, IL 62675**

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 **October 15, 2015** 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: **4109, 4175 & In the 4100 Block of Camp Cilca Road, Cantrall, IL 62675** and more particularly described as:

See Exhibit A

28

3. That the present zoning of said property is **“A” Agricultural District.**
4. That the present land use of said property is: **Parcel 1 (007) – crop land, timber, a single-family residence & out- buildings; Parcel 2 (012) – single-family residence; and, Parcel 3(011) – cropland.**
5. That the proposed land use of said property is: **Parcel 1 – crop land, timber, a single-family residence & out- buildings; Parcel 2 – a single-family residence, cropland & outbuildings; Parcel 3 – cropland; and, Parcel 4 - single-family residence & out-buildings.**
6. That the requested **rezoning and variances** of said property are for **Proposed Parcel 1: 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; for Proposed Parcel 2: 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 one (1) parcel less than forty (40) acres; for Proposed Parcel 3: 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 one (1) parcel less than forty (40) acres; and for Proposed Parcel 4: a variance to allow one (1) parcel less than five (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** 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, **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 **approved** which was duly seconded by **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, & John Lucchesi**

NO:

PRESENT:

ABSENT: **Merilyn Herbert & Janet Dobrinsky**


RECORDING SECRETARY

2-10

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2015-039

Address: 4109, 4175, 4100 Block of Camp Cilca Road, Cantrall

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

To the north are residences, pasture, and timber. To the east are cropland and timber. To the south is Camp Cilca summer camp. To the west are timber, mobile homes, and residences.

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

The zoning classification in the general area is Agricultural except an area immediately northwest of the subject property that is R-1.

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

The LESA score of 159 indicates the property is marginal for non-agricultural development, requiring mitigating factors. Staff believes the mitigating factors are: the area has a number of existing rural residential lots; R-1 is adjacent to the subject property; and, the Petitioner indicates a design that appears to minimize the impact on the timber while preserving as much cropland as possible. The subject property currently has two (2) residences, timber, cropland, and farm outbuildings. The addition of a potential building site triggered the request for an R-1 zoning classification.

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

There appears to be a trend toward rural residential in the vicinity with a mixture of residences and mobile homes along Camp Cilca and Irwin Bridge Roads. Zoning Case # 2005-20 rezoned property to R-1 immediately northwest of the subject property. In 2014, a use variance and a variance were granted along Irwin Bridge Road (Zoning Case # 2014-007).

2-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-039**

Address: **4109, 4175, 4100 Block of Camp Cilca 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.

Granting the variances will facilitate subdivision of the subject property in order to correct road frontage deficiencies that will allow the current owner to realize a reasonable return on the thirty-five (35) acre parcel with an existing residence.

- (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 requested variances will facilitate estate planning for the Petitioner. Also, granting the requested variance will allow the thirty-five (35) acre parcel with an existing residence to have road frontage in the event the new building site is sold.

- (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.

212

Parcel # 05-23-400-007 05-26-200-011

Zoning Case # 2015-039

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	10
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	
50-74%	5	10
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	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	15
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	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	10
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

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

SITE ASSESSMENT TOTAL		95
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2-14

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	Osco	P		87	
684B	Broadwell	P		87	
50A	Viriden	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	1	75	1
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P	29	75	22
3405A	Zook	P5		75	
131C2	Alvin	P	14	75	11
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		74	
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	9	74	7
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I	27	57	15
8D	Hickory	I		50	
8D2	Hickory	I		50	
280D3	Fayette	I		44	
8D3	Hickory	I		44	
8F	Hickory	N	19	44	8
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	64
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GRAND TOTAL	159
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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.