

FILED

JUL 28 2021

Don J. King
Sangamon County Clerk

**GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
12376 CLEVINGER ROAD, LOAMI
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 a rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Staley Farms Limited Partnership (Susan Staley Young, Ann K.S. Salzberger, Barbara Lyn Staley, Karen Staley Ross)**, have petitioned the Sangamon County Board requesting **for Proposed Parcels 1, 2, and 3: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **July 15, 2021** 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 a rezoning and a variance;** 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 August, 2021** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **10th day of August, 2021.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

The Northeast Quarter of Section 9, Township 14 North Range 7 West of the Third Principal Meridian, excepting therefrom the following described tract:

Part of the South-half of the Northeast Quarter of Section 9, Township 14 North, Range 7 West of the Third Principal Meridian; described more particularly as follows: Beginning at an iron pipe set over a stone marking the East one Quarter corner of the aforementioned Section 9, thence South 89° 47' 19" West along the Quarter Section line a distance of 1800.00 feet to an iron pipe, thence North 00° 00' 00" East a distance of 1327.85 feet to an iron pipe on the Quarter Quarter Section line, thence North 89° 48' 19" East along the Quarter Quarter Section line a distance of 1800.00 feet to a stone marking of the Northeast corner of the South-half of the Northeast Quarter of Section 9, thence South 00° 00' 00" West along the Section line a distance of 1327.32 feet to the point of beginning. Said excepted tract contains 54.86 acres, more or less. Basis of bearing is South 89° 48' 19" West along the Quarter Section line.

Parcel Number: 27-09.0-200-003.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2021-028**

ADDRESS: **12376 Clevinger Road, Loami, IL 62661**

PETITIONER: **Staley Farms Limited Partnership**

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

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcels 1, 2, and 3: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**

AREA: **105.14 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. While the LESA score of 215 indicates the subject property is suitable for agricultural use only, the proposed parcel sizes are consistent with other residential parcels in the area along Loami Road. Granting the requested variance would allow the petitioners to economically use the subject property by dividing the subject property into three buildable lots for estate planning purposes. The fourth approximately 71-acre lot will remain as cropland and needs no further zoning relief. 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: 2021-028 |
| Staley Farms Limited Partnership) | |
|) | PROPERTY LOCATED AT: |
|) | 12376 Clevinger Road |
|) | Loami, IL 62661 |

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 **July 15, 2021** 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: **12376 Clevinger Road, Loami, IL 62661** 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, accessory structures, pond, and agricultural.**
5. That the proposed land use of said property is:
Proposed Parcel 1: Agricultural.
Proposed Parcel 2: Single-family residence, accessory structures, and pond.
Proposed Parcel 3: Agricultural.
Proposed Parcel 4: Agricultural.
6. That the request(s) for the subject property **are for Proposed Parcels 1, 2, and 3: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.**
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 a variance** 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 following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District;**

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; and,**

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; and,**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.



CHAIRMAN

2-7

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, which was duly seconded by **Tony 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(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

YES: **Charlie Chimento, Don Wulf, Phil Sidles, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT: **Andrew Spiro**


 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2021-028**

Address: **12376 Clevinger Road, Loami**

- (i) Existing uses of property within the general area of the property in question.
North, East, & West – Cropland. South – Residence and cropland.
- (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.

While the LESA score of 215 indicates the subject property is suitable for agricultural use only, the proposed parcel sizes are consistent with other residential parcels in the area along Loami Road.

- (iv) The trend of development, within the vicinity since the property was originally classified.
The trend of development is mainly agricultural with some single-family residences in the area. In 2006, variances were granted for the lot area and for the lot depth to exceed 2.5 times the lot width northwest of the subject property.

2-9

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-028**

Address: **12376 Clevinger Road, Loami**

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 requested variance would allow the petitioners to economically use the subject property by dividing the subject property into three buildable lots for estate planning purposes. The fourth approximately 71-acre lot will remain as cropland.

- (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 division of land is for estate planning purposes and would make the lot depth less than the current through lot.

- (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**

| | Available Points | Points |
|--|---------------------|-----------|
| <u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u> | | |
| 90% or more | 20 | |
| 75-89% | 10 | 20 |
| 50-74% | 5 | |
| Under 50% | 0 | |
| <u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u> | | |
| 90% or more | 20 | |
| 75-89% | 10 | 20 |
| 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 | 10 |
| 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 | |
| 16'-18' pavement, 40' ROW | 15 | 20 |
| 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 | 135 |
|------------------------------|------------|

2.12

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 | 34 | 100 | 34 |
| 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 | 0 | 98 | |
| 68A | Sable | P2 | | 87 | |
| 679B | Blackberry | P | | 87 | |
| 705B | Buckhart | P | | 87 | |
| 86B | Osco | P | 16 | 87 | 14 |
| 684B | Broadwell | P | | 87 | |
| 50A | Viriden | P2 | 7 | 87 | 6 |
| 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 | 0 | 87 | |
| 3451A | Lawson | P3 | | 75 | |
| 3107A | Sawmill | P5 | | 75 | |
| 7075B | Drury | P | | 75 | |
| 8396A | Vesser | P2 | | 75 | |
| 3074A | Radford | P3 | 1 | 75 | 1 |
| 3073A | Ross | P3 | | 75 | |
| 3284A | Tice | P3 | | 75 | |
| 279B | Rozetta | P | 14 | 75 | 11 |
| 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 | 5 | 74 | 4 |
| 119D2 | Elco | I | 14 | 74 | 10 |
| 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 | | |

2

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 | 80 |
|---|-----------|

| | |
|--------------------|------------|
| GRAND TOTAL | 215 |
|--------------------|------------|

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.