

CASE# 2013-035 3-1
RESOLUTION NUMBER

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
**IN THE 500-700 BLOCK OF RIDDLE HILL RD & IN THE 6000 BLOCK OF OLD
SALEM LANE, SPRINGFIELD
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Joshua Schlicht**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District for two (2) parcels and a variance to allow one (1) parcel less than forty (40) acres to allow two (2) parcels to be divided off of the existing twenty six point eighty three (26.83) acre parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **August 15, 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 **approve the rezoning and variance;** and

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

FILED

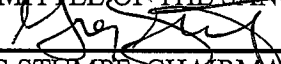
AUG 21 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 3rd day of September, 2013 that the request for a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District for two (2) parcels and a variance to allow one (1) parcel less than forty (40) acres to allow two (2) parcels to be divided off of the existing twenty six point eighty three (26.83) acre parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 3rd day of September, 2013.

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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT "A"
Legal Description: Williams to Schlicht

Parcel VI:

The West 30 Acres of the Northeast Quarter of the Southeast Quarter of Section 33, EXCEPT the following tracts:

Tract I

Part of the Northeast Quarter of the Southeast Quarter of Section 33, Township 16 North, Range 6 West of the Third Principal Meridian, in Sangamon County, Illinois, said part being further described as follows:

Beginning at an iron pin on the West line of the East half of the Southeast Quarter of said Section 33, said iron pin being Southerly 836.43 feet from an iron pin at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence deflecting to the East 90 degrees from the West line of the East half of the Southeast Quarter of said Section 33, a distance of 208.71 feet to an iron pin; thence deflecting to the South 90 degrees, a distance of 208.71 feet to an iron pin; thence deflecting to the West 90 degrees, a distance of 208.71 feet to an iron pin on the West line of said East half of the Southeast Quarter; thence Northerly along said West line 208.71 feet to the point of beginning.

Tract II

Part of the Northeast Quarter of the Southeast Quarter of Section 33, Township 16 North, Range 6 West of the Third Principal Meridian, in Sangamon County, Illinois, described as follows:

From the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 33, South on the Quarter Quarter Section line, 326.37 feet; thence deflecting left 90 degrees 00 minutes 00 seconds, 15.70 feet to the point of beginning; thence continuing East on said course 208.71 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 208.71 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 208.71 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 208.71 feet to the point of beginning.

Tract III

Part of the Northeast Quarter of the Southeast Quarter of Section 33, Township 16 North, Range 6 West of the Third Principal Meridian, in Sangamon County, Illinois, and more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence South 03 degrees 00 minutes 20 seconds East, along the West line of the Northeast Quarter of the Southeast Quarter of said Section 33, 1045.16 feet to the point of beginning; thence North 86 degrees 59 minutes 40 seconds East, 154.37 feet; thence South 03 degrees 00 minutes 20 seconds East, parallel with said West line, 282.27 feet to a point on the South line of the Northeast Quarter of the Southeast Quarter of said Section 33; thence South 87 degrees 03 minutes 45 seconds West, along said South line, 154.37 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence North 03 degrees 00 minutes 20 seconds West, along said West line, 282.09 feet to the point of beginning.

EXHIBIT "A"

Legal Description: Williams to Schlicht

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And

Part of the Northeast Quarter of the Southeast Quarter of Section 33, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, and more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of the Southeast Quarter of said Section 33; thence South 03 degrees 00 minutes 20 seconds East, 1045.16 feet along the West line of the Northeast Quarter of the Southeast Quarter of said Section 33; thence North 86 degrees 59 minutes 40 seconds East 154.37 feet to the point of beginning; thence South 03 degrees 00 minutes 20 seconds East, 282.27 feet parallel with said West line, to a point on the South line of the Northeast Quarter of the Southeast Quarter of said Section 33; thence North 87 degrees 03 minutes 45 seconds East 54.34 feet along said South line; thence North 03 degrees 00 minutes 20 seconds West, 282.34 feet parallel with said West line; thence South 86 degrees 59 minutes 40 seconds West, 54.34 feet to the point of beginning.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2013-035

ADDRESS: In the 500 – 700 Block of Riddle Hill Rd. & In the 6000 Block of Old Salem Ln.,
Springfield, IL. 62711

PETITIONER: Joshua Schlicht

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: A rezoning from "A" Agricultural District to
"R-1" Single-Family Residence District for
two (2) parcels and a variance to allow one
(1) parcel less than forty (40) acres to allow
two (2) parcels to be divided off of the
existing twenty six point eighty three (26.83)
acre parcel.

AREA: 26.83 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval of the R-1 zoning. Even
though the Land Evaluation and
Site Assessment score of 162
indicates the property is considered
marginal requiring mitigating
factors for non-agricultural
development, staff feels the
proposed R-1 zoning is appropriate
given the trend of development in
the area. The proposed building
sites are located on a major
thoroughfare that has seen many
newly created parcels for the
purposes of single-family
residences. The proposed building
sites are located in between existing
single-family residences and are not
suited to agricultural zoning.
Recommend approval of the
requested variance. The standards

for variation 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:) Joshua Schlicht) | DOCKET NO: 2013-035 PROPERTY LOCATED AT: In the 500-700 Block of Riddle Hill Rd. & In the 6000 Block of Old Salem Ln., Springfield, IL. 62711 |
|---|---|

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 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 **August 15, 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: **In the 500 – 700 Block of Riddle Hill Rd. & In the 6000 Block of Old Salem Ln., Springfield, 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 **farmland**.
- 5. That the proposed land use of said property is **2 single-family residences and farmland**.
- 6. That the requested **rezoning and variance** of said property is **from "A" Agricultural District to "R-1" Single-Family Residence District for two (2) parcels and a variance to allow one (1) parcel less than forty (40) acres to allow two (2) parcels to be divided off of the existing twenty six point eighty three (26.83) 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 & variance** 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 & variance** be **approved**.

Charles Chimento/jck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, 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 **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Don Wulf**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-035

Address: In the 500-700 Block of Riddle Hill Rd. & In the 6000 Block of Old Salem Ln., Springfield

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

The area is a mix of single-family residences and some cropland.

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

To the north is R-1 and Ag. To the east and south is Ag. To the west is R-1 and Ag.

(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 162 indicates the property is considered marginal requiring mitigating factors for non-agricultural development. The petitioner is requesting to divide two parcels off the existing parcel for new single-family residential building sites. The proposed building sites are located on a major thoroughfare that has seen many newly created parcels for the purposes of single-family residences. The proposed building sites are located in between existing single-family residences and are not suited to agricultural zoning.

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

There is a trend of single-family residential development in this area.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-035

Address: **In the 500-700 Block of Riddle Hill Rd. & In the 6000 Block of Old Salem Ln., Springfield**

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 request is made to divide 1.5 acres and 1.7 acres from the existing 26 acre parcel to sell for future building sites. Allowing the division would increase the return on 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.

There are many carved off parcels that are approximately 1 acre in size along Old Salem Lane and Riddle Hill Road. The subject property is large for the area and allowing the petitioner to divide off two future home sites that are approximately 1 acre in size is in line with the trend of development.

- (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 in allowing division of the property.

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 | 5 |
| 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 | 10 |
| Incorporated area | 0 | |

| <u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u> | | |
|---|----|-----------|
| 75% or more | 20 | |
| 50-74% | 10 | 20 |
| 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 | |
| 16'-18' pavement, 40' ROW | 15 | 0 |
| 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 | 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 | | 65 |
|------------------------------|--|-----------|

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 | 69 | 100 | 69 |
| 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 | 11 | 98 | 11 |
| 68A | Sable | P2 | 13 | 87 | 11 |
| 679B | Blackberry | P | | 87 | |
| 705B | Buckhart | P | | 87 | |
| 86B | Osco | P | 7 | 87 | 6 |
| 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 | 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 | Oscos | 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 | 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

| | |
|------------------------------------|----|
| AGRICULTURAL LAND EVALUATION TOTAL | 97 |
|------------------------------------|----|

| | |
|-------------|-----|
| GRAND TOTAL | 162 |
|-------------|-----|

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.