

CASE# 2018-025
RESOLUTION NUMBER 3-1

GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5959 BARLOW ROAD, RIVERTON
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Cheryl Kutchma**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2018** 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 variance; and,**

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

FILED

JUN 27 2018

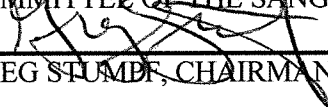
Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of July, 2018** that the requests for a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District, and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10th day of July, 2018.**

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of the Northwest Quarter of Section 35, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, being more particularly described as follows:

Commencing at a found iron pin at the Southeast corner of the Northwest Quarter of said Northwest Quarter as shown on the Rolling Oaks Subdivision Plat, Sangamon County, Illinois; thence North 00 degrees 04 minutes 35 seconds West along the East line of the Northwest Quarter of said Northwest Quarter, a distance of 627.92 feet to the point of beginning.

From said point of beginning; thence South 89 degrees 11 minutes 24 seconds West, a distance of 660.05 feet; thence North 00 degrees 04 minutes 35 seconds West parallel with said East line, a distance of 627.42 feet; thence North 89 degrees 08 minutes 47 seconds East parallel with the North line of the Northwest Quarter of said Northwest Quarter, a distance of 660.06 feet to said East line; thence South 00 degrees 04 minutes 35 seconds East along said East line, a distance of 627.92 feet to the point of beginning, containing 9.510 acres, more or less.

Parcel Number: 07-35.0-100-009.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #2 NAME: Todd Smith

DOCKET NUMBER: 2018-025

ADDRESS: 5959 Barlow Road, Riverton, IL 62561

PETITIONER: Cheryl Kutchma

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 9.51 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. While the LESA score of 208 indicates the property is suitable for agricultural use only, the subject property is in an area of established rural residences, and the proposed parcel sizes are consistent with the other lots in the immediate area ranging from one to five acres. Granting the proposed variance would facilitate creation of a lot that is consistent with the lot depth to lot width ratio of other parcels south of the subject property have including nine (9) parcels on the west side of Barlow Road and five (5) parcels on the east side of Barlow Road. The Standards for Variation are met.**

SANGAMON COUNTY 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: 2018-025
Cheryl Kutchma)	
)	PROPERTY LOCATED AT:
)	5959 Barlow Road
)	Riverton, IL 62561

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 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 **June 21, 2018** 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: **5959 Barlow Road, Riverton, IL 62561** 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 a **single-family residence and outbuildings.**
- 5. That the proposed land use of said property is **two (2) single-family residences and outbuildings.**
- 6. That the requested **rezoning and variance** of said property is a **rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2 ½) 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 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 requested **rezoning and variance** be **approved.**

Charlie Chimento #14

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, 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 **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, Gina Lathan, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-025**

Address: **5959 Barlow Road, Riverton**

- (i) Existing uses of property within the general area of the property in question.
North, East, & West – Cropland. South – Residences.
- (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 208 indicates the property is suitable for agricultural use only, the subject property is in an area of established rural residences, and the proposed parcel sizes are consistent with the other lots in the immediate area ranging from one to five acres.

- (iv) The trend of development, within the vicinity since the property was originally classified.
There is an approximate 20 year rural residential trend directly south of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-025**

Address: **5959 Barlow Road, Riverton**

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 proposed variance would facilitate creation of a lot that is consistent with the lot depth to lot width ratio of other parcels south of the subject property have including nine (9) parcels on the west side of Barlow Road and five (5) parcels on the east side of Barlow Road.

- (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 subject property is on the northern edge of established rural residences, and the proposed parcel sizes are more consistent with the other lots within the immediate area ranging from one to five acres.

- (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**

AGRICULTURAL/RURAL LAND WITHIN .5 MILE

90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	

CONTIGUOUS AGRICULTURAL/RURAL LAND

90% or more	20	
75-89%	10	
50-74%	5	5
Under 50%	0	

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	10
50-74%	5	
Under 50%	0	

COUNTY SECTOR

Rural	20	
0.5 mile from incorporated area	10	20
Incorporated area	0	

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	20
25-49%	5	
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

Negative impact	15	
Little or none with protective measures	5	0
Little or none	0	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	
No impact	0	0

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	10
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

Not available	15	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	
1,000-1,500' away	15	20
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	5
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL**115**

Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative</u>	
				<u>Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	65	100	65
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	10	87	9
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P	4	87	3
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	21	75	16
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	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	93
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GRAND TOTAL	208
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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.