

**DENYING A REZONING AND A VARIANCE, AND GRANTING A USE VARIANCE
AND VARIANCES**
FOR CERTAIN PROPERTY LOCATED AT
7325 W. OUTER 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 **deny a rezoning and a variance, but in the alternative grant a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **John W. Ealey**, has petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 21, 2019** 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

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Sangamon County Clerk

Sangamon County Board **deny a rezoning and a variance, but in the alternative grant a Use Variance 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 December, 2019 that the following request(s) on the above described property are hereby denied:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Section 17.68.050(D), a Use Variance to allow a trucking firm provided the business has no more than four trucks;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this 10th day of December, 2019.

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 North 40 acres of the Northwest Fractional Quarter of the Southwest Quarter of Section 19, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, lying West of the F.A.I. Route 55, being further described as commencing at a stone at the Northwest corner of said Fractional Quarter thence South 00 degrees 57 minutes 35 seconds East on the West line of the said Fractional Quarter a distance of 518.38 feet (518.00 feet deed) to a pipe, thence continue South 00 degrees 57 minutes 35 seconds East on the West line of the said Fractional Quarter a distance of 366.56 feet to a pipe, the true point of beginning; thence North 89 degrees 06 minutes 01 seconds East parallel with the South line of the North 40 acres of the Northwest Quarter of the Southwest Quarter a distance of 389.37 feet to a pipe in the West Right of Way line of West Outer Road; thence South 12 degrees 13 minutes 14 seconds West on the West Right of Way line of West Outer Road a distance of 182.00 feet to an iron pin in the South line of the North 40 acres of the said Fractional Quarter; thence South 89 degrees 06 minutes 01 seconds West on the South line of the North 40 acres of the said Fractional Quarter a distance of 347.87 feet to a stone at the Southwest corner of the North 40 acres of the said Fractional Quarter; thence North 00 degrees 57 minutes 35 seconds West on the West line of the said Fractional Quarter a distance of 177.25 feet to the point of beginning, containing 1.50 acres.

Part of the North 40 acres of the Northwest Fractional Quarter of the Southwest Quarter of Section 19, Township 17 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, lying West of F.A.I. Route 55, being described as follows: Commencing at a stone at the Northwest corner of said Fractional Quarter; thence South 0 degrees 57 minutes 35 seconds East on the West line of said Fractional Quarter, 518.38 feet to a pipe; thence South 0 degrees 57 minutes 35 seconds East 232.54 feet to an iron pin at the point of beginning; thence North 89 degrees 06 minutes 01 seconds East 420.76 feet to an iron pin on the West right of way line of West Outer Road; thence South 12 degrees 13 minutes 14 seconds West 137.61 feet along said right of way line to an iron pipe; thence South 89 degrees 06 minutes 01 seconds West 389.37 feet to an iron pipe; thence North 0 degrees 57 minutes 35 seconds West 134.02 feet to the point of beginning, containing 1.25 acres, more or less.

Situated in Sangamon County, Illinois.

Parcel numbers 07-19.0-300-072 & 07-19.0-300-078.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #2 NAME: Todd Smith

DOCKET NUMBER: 2019-039

ADDRESS: 7325 W. Outer Road, Sherman, IL 62684

PETITIONER: John W. Ealey

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; a variance of Section 17.26.010 to allow a single-family residence in a "B-3" General Business District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 2.75 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning and accompanying variance to allow a single-family residence in a B-3 District. The LESA score of 168 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property is 2.75 acres and is in an area of rural residences making it unlikely to be economically converted to cropland. However, the requested B-3 District is considered to be inappropriate spot zoning and the list of uses is too intense for the rural residential and agricultural trend in the area. Therefore, staff recommends a Use Variance for a trucking firm provided the business has no more than four trucks. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) trucking firm and 2) single-family residence. As staff recommends approval of a Use Variance to allow the trucking firm on the subject property, the Standards for Variation are met. Recommend approval of the paving variance. The unpaved surface has been on the subject property for approximately 20 years without negative effects, and not having paved surfaces might be expected given the nature of the rural residential and agricultural trend in the area. The Standards for Variation are met.

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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: **2019-039**
John W. Ealey)
))
)) PROPERTY LOCATED AT:
)) **7325 W. Outer Road**
)) **Sherman, IL 62684**

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 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 **November 21, 2019** 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: **7325 W. Outer Road, Sherman, IL 62684** 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 **trucking firm and single-family residence.**
5. That the proposed land use of said property is **trucking firm and single-family residence.**
6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**
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 not** 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), **but in the alternative, does** support the proposition that the adoption of a **Use Variance to allow a trucking firm provided the business has no more than four trucks 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 following request(s) are hereby denied:

- **Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.**

The following recommendations on the above described property are hereby approved:

- **Pursuant to Section 17.68.050(D), a Use Variance to allow a trucking firm provided the business has no more than four trucks;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

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 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony 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 denied:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Section 17.68.050(D), a Use Variance to allow a trucking firm provided the business has no more than four trucks;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) trucking firm and (2) single-family residence; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.

which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-039**

Address: **7325 West Outer Road, Sherman**

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

The LESA score of 168 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property is 2.75 acres and is in an area of rural residences making it unlikely to be economically converted to cropland. However, the requested B-3 District is considered to be inappropriate spot zoning and the list of uses is too intense for the rural residential and agricultural trend in the area.

- (iv) The trend of development, within the vicinity since the property was originally classified.
The trend in the area is a mix of agriculture and rural residences near the Village of Sherman.

**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS
(USE VARIANCE & TWO PRINCIPAL USES ON ONE PARCEL:
1) TRUCKING FIRM & 2) SINGLE-FAMILY RESIDENCE)**

Case #: 2019-039

Address: 7325 West Outer Road, Sherman

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The trucking firm has been operating on the site for approximately 20 years, for a majority of that time as an agricultural use. Now, there has been a determination that the trucking firm hauls more than strictly agricultural products, making it a commercial use. The limited size of the trucking firm and its length of time in operation are factors suggesting there is an economic hardship if the requested variances are not granted.

- (ii) that the variance is compatible with the trend of development in the area.

The area is agricultural with single-family residences in the area near the Village of Sherman. The trucking firm has been located on the subject property for approximately 20 years and is in close proximity to Interstate access.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The four truck limitation proposed on the Use Variance will ensure the trucking firm will stay small to reduce any negative effects on the community.

- (iv) that the variance will not create a negative impact on the area, 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.

Provided the suggested limitation is adopted, negative impacts are not anticipated.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-039**

Address: **7325 West Outer 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 unpaved surface has been on the subject property for approximately 20 years without negative effects, and not having paved surfaces might be expected given the nature of the rural residential and agricultural trend in the area.

- (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 trucking firm has been operating for approximately 20 years, and will not have any customers coming to the subject property.

- (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	10
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	0
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	
No impact	0	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	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		80

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	7	100	7
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	93	87	81
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oско	P		87	
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	Oско	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	88
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GRAND TOTAL	168
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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.