

CASE# 2012-005
RESOLUTION NUMBER 4-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 6,000 BLOCK OF TOLAN ROAD, PLEASANT PLAINS
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 Petitioners, **Benjamin & Janda Stevens**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for two (2) parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 16, 2012** 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

FEB 23 2012

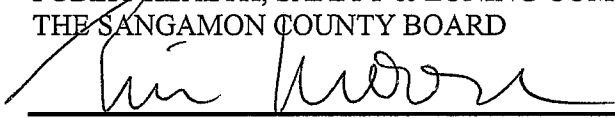
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of March, 2012 that the request for a rezoning from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for two (2) parcels on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of March, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

PARCEL I: 05-33-300-024

All that part of the Northeast Quarter of the Northwest Quarter of Section 4, Township 16 North, Range 6 West and the West Half of Section 33, Township 17 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Commencing at the Southeast corner of the Northwest Quarter of the Northeast Quarter of Section 4; thence along the East line of said Northwest Quarter of Section 4, North 01 degree 16 minutes 11 seconds West, a distance of 66.56 feet to the North line of Tolan Road; thence along the North line of Tolan Road the following courses and distances: South 89 degrees 14 minutes 38 seconds West, a distance of 1118.92 feet to appoint of curvature; Westerly along the arc of a curve to the right having a radius of 6058.97 feet, a chord bearing of North 88 degrees 43 minutes 59 seconds West, a chord distance of 427.77 feet and an arc length of 427.86 feet; North 86 degrees 42 minutes 37 seconds West, a distance of 67.19 feet to the point of beginning; thence continuing along said North line of Tolan Road, North 86 degrees 42 minutes 37 seconds West, a distance of 150.37 feet; thence departing said North line of Tolan Road, North 00 degrees 45 minutes 22 seconds West, a distance of 2559.00 feet; thence South 89 degrees 50 minutes 01 second West, a distance of 1430.77 feet to the Southwest corner of said East Half of the Northwest Quarter of the Southwest Quarter of said Section 33; thence along the West line of said East Half of the Northwest Quarter of the Southwest Quarter of Section 33, North 00 degrees 54 minutes 51 seconds West, a distance of 1344.77 feet to the Northwest corner of said East Half of the Northwest Quarter of the Southwest Quarter of Section 33; thence along the North line of said East Half of the Northwest Quarter of the Southwest Quarter of Section 33, South 89 degrees 52 minutes 31 seconds East, a distance of 707.06 feet to the Southeast corner of the West 1.5 acres of the West Half of the Southeast Quarter of the Northwest Quarter of Section 33; thence along the East line of said West 1.5 acres of the West Half of the Southeast Quarter of the Northwest Quarter of Section 33 North 01 degree 04 minutes 11 seconds West, a distance of 1320.47 feet to the Northeast corner of said West 1.5 acres of the West Half of the Southeast Quarter of the Northwest Quarter of Section 33; thence along the North line of said Southeast Quarter of the Northwest Quarter of Section 33, South 89 degrees 47 minutes 27 seconds East, a distance of 884.77 feet; thence departing said North line of the Southeast Quarter of the Northwest Quarter of Section 33, South 00 degrees 45 minutes 22 seconds East, a distance of 5223.76 feet to the point of beginning. (Also known as Tract 6 on a Plat of Survey recorded March 29, 2007 as Document Number 2007R10163.)

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the state of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2012-005

ADDRESS: In the 6,000 Block of Tolan Rd., Pleasant Plains, IL. 62677

PETITIONER: Benjamin & Janda Stevens

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single - Family Residence District (for 1 parcel) with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for two (2) parcels.

AREA: 196.44 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning and variance. The LESA score of 150 indicates the property is considered marginal (by one point) requiring mitigating factors for non-agricultural development. Approximately half of the subject property consists of timber which is not farmed. There is also a small amount of floodplain on the extreme north portion of the parcels. This area is also in the timber and not farmed. The subject parcels currently consist of two very large flag lots. Granting the variance would allow the petitioner to reconfigure one of the flag lots down to approximately five acres for construction of a single family residence, and combine the remaining 191 acres into one large parcel which would remain**

**agricultural. Each resulting parcel
will have owned, non-easement
based access.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-005
Benjamin & Janda Stevens)	
)	PROPERTY LOCATED AT:
)	In the 6,000 Bl. of Tolan Rd.
)	Pleasant Plains, IL. 62677

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 **February 16, 2012** 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 6,000 Block of Tolan Rd., Pleasant Plains, 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 **a single - family residence and farmland**
- 6. That the requested **rezoning and variance** of said property is **from "A" Agricultural District to "R-1" Single - Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for two (2) parcels.**
- 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.**

Charles Chimento
 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Bryon Deaner, Peggy Egizii, Judith Johnson & Marvin Traylor**

NO:

ABSENT:

Ayndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-005

Address: In the 16,000 Block of Tolan Road, Pleasant Plains

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

To the north is timber. To the east, south and west is cropland with some single family residences.

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

The property is surrounded by Agricultural zoning. Further west is R-1 and I-2.

(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 150 indicates the property is considered marginal requiring mitigating factors for non-agricultural development.

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

The area has remained agricultural in character with some single family residences built in the vicinity. Property to the west was rezoned to R-1 in 1997.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-005

Address: In the 16,000 Block of Tolan Road

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 facilitate division of the property to allow for construction of a single family 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.

Approximately half of the subject property consists of timber which is not farmed. There is also a small amount of floodplain on the extreme north portion of the parcels. This area is also in the timber and not farmed. The subject parcels currently consist of two very large flag lots. Granting the variance would allow the petitioner to reconfigure one of the flag lots down to approximately five acres for construction of a single family residence, and combine the remaining 191 acres into one large parcel which would remain agricultural.

- (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 this reconfiguration.

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	
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	

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	0
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	10
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**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	3	100	3
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	1	98	1
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	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	8	87	7
3451A	Lawson	P3	2	75	2
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	28	75	21
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		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I	4	74	3
280C2	Fayette	I	30	72	22
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	1	74	1
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	23	44	10
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	70
------------------------------------	----

GRAND TOTAL	150
-------------	-----

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.