

FILED

CASE# 2013-54
RESOLUTION NUMBER 41

DEC 26 2013

Joe Ciullo
Sangamon County Clerk

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3100 BLOCK OF STATE ROUTE 97, 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Whitetail Enterprises, LLC**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District for proposed Parcels 1, 2 and 3 and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcel 1 to allow the property to be divided and for construction of a single-family residence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 19, 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 **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

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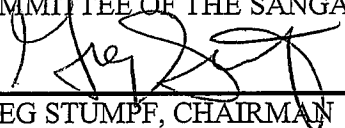
Joe Ciullo

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th Day of January, 2014 that the request for rezoning from "A" Agricultural District to "R-1" Single Family Residence District for proposed Parcels 1, 2 and 3 and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcel 1 to allow the property to be divided and for construction of a single-family residence on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th Day of January, 2014.

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 RATTIS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

All that part of the Southwest Quarter of Section 9, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the Southwest corner of said Southwest Quarter of Section 9; thence along the line common to Sections 9 and 16, North 89 degrees 00 minutes 20 seconds East, a distance of 99.53 feet to the East line of Illinois Route 97; thence along said East line of Illinois Route 97, North 00 degrees 57 minutes 29 seconds West, a distance of 14.00 to the point of beginning; thence continuing along said East line of Illinois Route 97 the following courses and distances:

North 00 degrees 57 minutes 29 seconds West, a distance of 97.92 feet; North 11 degrees 43 minutes 20 seconds East, a distance of 304.55 feet; thence departing the aforesaid East line of Illinois Route 97 North 89 degrees 00 minutes 20 seconds East, a distance of 509.55 feet; thence South 00 degrees 59 minutes 40 seconds East a distance of 395.00 feet to a point 14.00 feet North of the aforesaid line common to Sections 9 and 16; thence along said line 14.00 feet North of and parallel to the line common to Sections 9 and 16, South 89 degrees 00 minutes 20 seconds West, a distance of 576.66 feet to the point of beginning as shown as Tract 1 on Plat of Survey recorded March 21, 2007 as Document No. 2007R09202.

And such property described as follows:

Commencing at the Southwest corner of said Southwest Quarter of Section 9; thence along the line common to Sections 9 and 16, North 89 degrees 00 minutes 20 seconds East, a distance of 99.53 feet to the East line of Illinois Route 97; thence along said East line of Illinois Route 97 the following courses and distances:

North 00 degrees 57 minutes 29 seconds West, a distance of 111.92 feet; North 11 degrees 43 minutes 20 seconds East, a distance of 304.55 feet to the point of beginning; thence continuing along said East line of Illinois Route 97 the following courses and distances:

North 11 degrees 43 minutes 20 seconds East, a distance of 105.45 feet; North 18 degrees 34 minutes 05 seconds West, a distance of 314.52 feet; North 01 degree 11 minutes 57 seconds West, a distance of 400.38 feet; North 11 degrees 41 minutes 04 seconds East, a distance of 308.45 feet; North 05 degrees 59 minutes 35 seconds West, a distance of 66.32 feet; thence departing the aforesaid East line of Illinois Route 97, North 89 degrees 15

minutes 08 seconds East, a distance of 526.14 feet; thence North 00 degrees 44 minutes 52 seconds West, a distance of 400.00 feet; thence North 89 degrees 15 minutes 08 seconds East, a distance of 303.25 feet; thence South 01 degree 52 minutes 35 seconds East, a distance of 657.64 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 951.59 feet to the center of Prairie Creek; thence meandering said center of Prairie Creek the following courses and distances:

South 17 degrees 42 minutes 18 seconds West, a distance of 81.31 feet; South 49 degrees 31 minutes 08 seconds West; a distance of 112.74 feet; South 66 degrees 14 minutes 04 seconds West, a distance of 49.28 feet; South 85 degrees 57 minutes 52 seconds West, a distance of 90.00 feet; South 55 degrees 32 minutes 44 seconds West, a distance of 110.00 feet; South 32 degrees 23 minutes 22 seconds West, a distance of 54.75 feet; South 15 degrees 45 minutes 21 seconds East, a distance of 63.06 feet; South 22 degrees 31 minutes 29 seconds East, a distance of 195.40 feet; South 44 degrees 15 minutes 45 seconds East, a distance of 40.88 feet; South 18 degrees 49 minutes 16 seconds West, a distance of 44.00 feet; South 70 degrees 38 minutes 55 seconds West, a distance of 135.36 feet; South 85 degrees 16 minutes 51 seconds West, a distance of 110.47 feet; South 36 degrees 33 minutes 01 seconds West, a distance of 46.08 feet; South 00 degrees 56 minutes 22 seconds East, a distance of 51.46 feet; South 41 degrees 55 minutes 36 seconds East, a distance of 101.26 feet; South 15 degrees 22 minutes 32 seconds East, a distance of 90.22 feet; South 40 degrees 15 minutes 56 seconds West, a distance of 51.57 feet; South 68 degrees 58 minutes 58 seconds West, a distance of 63.74 feet; South 05 degrees 05 minutes 54 seconds West, a distance of 90.05 feet; South 40 degrees 51 minutes 13 seconds East, a distance of 151.93 feet; South 01 degree 55 minutes 15 seconds West, a distance of 125.87 feet to a point 14.00 feet North of the aforesaid line common to Sections 9 and 16; thence along said line 14.00 feet North of and parallel to the line common to Sections 9 and 16, North 00 degrees 59 minutes 40 seconds West, a distance of 395.00 feet; thence South 89 degrees 00 minutes 20 seconds West, a distance of 509.55 feet to the point of beginning as shown on Tract 2 on Plat of Survey recorded March 21, 2007 as Document No. 2007R09202.

Excepting from all property described above, that property described as follows:

From the Southwest corner of said Southwest Quarter of Section 9, thence N89° 00' 51" E on the section line, 99.42 feet, thence N01° 00' 31" W, 62.67 feet, thence N89° 01' 51" E, 1391.81 feet; thence S1° 56' 46" W, 62.75 feet; thence S89° 00' 51" W, 1388.57 feet to the point of beginning, containing 2.00 acres, more or less.

And also EXCEPTING:

Commencing at the Southwest corner of said Southwest Quarter of Section 9; thence along the line common to Sections 9 and 16, North 89 degrees 00 minutes 20 seconds East, a distance of 99.53 feet to the East line of Illinois Route 97; thence along said East line of Illinois Route 97, North 00 degrees 57 minutes 29 seconds West, a distance of 14.00 to the point of beginning; thence continuing along said East line of Illinois Route 97 the following courses and distances:

North 00 degrees 57 minutes 29 seconds West, a distance of 97.92 feet; North 11 degrees 43 minutes 20 seconds East, a distance of 304.55 feet; thence departing the aforesaid East line of Illinois Route 97 North 89 degrees 00 minutes 20 seconds East, a distance of 509.55 feet; thence South 00 degrees 59 minutes 40 seconds East a distance of 395.00 feet to a point 14.00 feet North of the aforesaid line common to Sections 9 and 16; thence along said line 14.00 feet North of and parallel to the line common to Sections 9 and 16, South 89 degrees 00 minutes 20 seconds West, a distance of 576.66 feet to the point of beginning as shown as Tract 1 on Plat of Survey recorded March 21, 2007 as Document No. 2007R09202.

And

All that part of the Northwest Quarter of the Southwest Quarter of Section 9, Township 16 North Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the Southwest corner of said Southwest Quarter of Section 9; thence along the line common to Sections 9 and 16, North 89 degrees 00 minutes 20 seconds East, a distance of 99.53 feet to the East line of Illinois Route 97; thence along said East line of Illinois Route 97 the following course and distances:

North 00 degrees 57 minutes 29 seconds West, a distance of 111.92 feet; North 11 degrees 43 minutes 20 seconds East, a distance of 410.00 feet; North 18 degrees 34 minutes 05 seconds West, a distance of 314.52 feet; North 01 degree 11 minutes 57 seconds West, a distance of 400.38 feet; North 11 degrees 41 minutes 04 seconds East, a distance of 308.45 feet; North 05 degrees 59 minutes 35 seconds West, a distance of 66.32 feet to the point of beginning; thence continuing along said East line of Illinois Route 97, North 05 degrees 59 minutes 35 seconds West, a distance of 401.68 feet; thence departing the aforesaid East line of Illinois Route 97, North 89 degrees 15 minutes 08 seconds East, a distance of 562.86 feet; thence South 00 degrees 44 minutes 52 seconds East, a distance of 400.00 feet; thence South 89 degrees 15 minutes 08 seconds West, a distance of 526.14 feet to the point of beginning as shown as Tract 3 on Plat of Survey recorded March 21, 2007 as Document No. 2007R09202.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2013-54

ADDRESS: 3100 Block of State Route 97, Pleasant Plains, IL 62677

PETITIONER: Whitetail Enterprises, LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District for proposed Parcels 1, 2 and 3 and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for proposed Parcel 1 to allow the property to be divided and for construction of a single-family residence

AREA: 50.18

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning. The Land Evaluation and Site Assessment score of 142 indicates the property is acceptable for non-agricultural development and single-family residences are in line with the trend of development along State Route 97. Recommend approval of the requested variance as the standards for variation have been met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-54
Whitetail Enterprises, LLC)	
)	PROPERTY LOCATED AT:
)	3100 Block of State Route 97
)	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 **December 19, 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: **3100 Block of State Route 97, 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 **agricultural.**
- 5. That the proposed land use of said property is **agricultural and future home site.**
- 6. That the requested **rezoning** of said property is to rezone from **“A” Agricultural District to “R-1” Single Family Residence District for proposed Parcels 1, 2 and 3 and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for proposed Parcel 1 to allow the property to be divided and for construction of a single-family residence.**
- 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/ck

 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Byron Deaner**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Peggy Egizii, Janet Dobrinsky**

Amy Knowles

 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-054

Address: In the 3100 Block of State Route 97, Pleasant Plains

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

There are single-family residences to the north, south, east and west as well as timber and cropland.

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

The property is surrounded by Agricultural zoning.

- (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 142 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained stable and agricultural in character with some single-family residences built in the immediate vicinity.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-054

Address: In the 3100 Block of State Route 97, Pleasant Plains

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 property contains some cropland with the majority located within the floodplain. Dividing the property for development with a single-family residence out of the floodplain in a manner that is in alignment with the topography will create some yield for the property. While this could be the case with similar properties, the topography has a negative effect on the overall possible yield for 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.

The timber contained on the property makes it difficult to divide the property without seeking the variance request.

- (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 the proposed division.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment	Available Points	Points
<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	10
75-89%	10	
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	5
75-89%	10	
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	20
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	10
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	5
Little or none with protective measures	5	
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	0
16'-18' pavement, 40' ROW	15	
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	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	0
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL	75
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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		100	
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		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P	4	87	3
684B	Broadwell	P		87	
50A	Viriden	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	51	75	38
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	19	74	14
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	15	44	7
8F	Hickory	N	11	44	5
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				

Parcel # 1-09-300-023 & 018

Zoning Case # 2013-054

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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	67
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GRAND TOTAL	142
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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.