

CASE# 2014-003 4-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
6429 S. CANTRALL CREEK ROAD, CANTRALL
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, **Timber Ridge Properties**, has petitioned the Sangamon County Board for: **proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for proposed Parcel 2, a variance to allow one (1) parcel greater than five (5) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 16, 2014** 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

JAN 30 2014

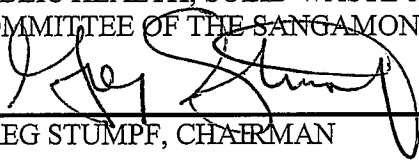
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of February, 2014 that the request for: proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for proposed Parcel 2, a variance to allow one (1) parcel greater than five (5) acres; on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of February, 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 RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East 10 acres of the North Half of the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 North, Range 6 West of the Third Principal Meridian; described more particularly described as follows:

Beginning at an iron pipe marking the Northeast corner of the Northeast Quarter of the Southwest Quarter of the aforementioned Section 25; thence South 00 degrees 30 minutes 11 seconds East along the Quarter the Quarter Section line a distance of 662.57 feet to an iron pipe; thence South 89 degrees 39 minutes 02 seconds West a distance of 656.85 feet to an iron pipe; thence North 00 degrees 30 minutes 11 seconds West a distance of 663.77 feet to an iron pipe on the Quarter Section line; thence North 89 degrees 45 minutes 18 seconds East along the Quarter Section line a distance of 656.85 feet to the point of beginning.

EXCEPTING therefrom that part described as follows:

Part of the North Half of the Northeast Quarter of the Southwest Quarter of Section 25, Township 17 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the center of said Section 25, thence South 01° 08' 02" East on the Quarter Section Line, 93.00 feet; thence South 89° 07' 29" West, 656.27 feet; thence South 01° 29' 27" East, 570.79 feet to an iron pipe; thence South 89° 01' 21" West, 660.00 feet to an iron pipe; thence North 01° 29' 23" West, 664.97 feet to an iron pipe on the Quarter Section Line; thence North 89° 07' 29" East, 1316.85 feet to the point of beginning.

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 estate of said coal, oil, gas and other minerals, if any. Situated in Sangamon County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants, easements, reservations, restrictions and roadways of record or in place, if any; all prior reservations, exceptions or conveyances of the coal, oil, gas, or other minerals, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: Mike Sullivan

DOCKET NUMBER: 2014-003

ADDRESS: 6429 S. Cantrall Creek Road, Cantrall, IL 62625

PETITIONER: Timber Ridge Properties

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For: proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for proposed Parcel 2, a variance to allow one (1) parcel greater than five (5) acres.

AREA: 8.53 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested R-1 zoning for proposed Parcel 1 that already contains a single-family residence. Although it is not required by County Ordinance that he petitioner rezone the property, it is the petitioners' wish to do so, given the current use and size of the parcel. Additionally, the Land Evaluation and Site Assessment score is 146 indicating the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variance for proposed Parcel 2. There is no foreseen negative impact and the standards for variation have been met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-003
Timber Ridge Properties))
)	PROPERTY LOCATED AT:
)	6429 S. Cantrall Creek Road
)	Cantrall, IL 62625

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 **January 16, 2014** 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: **6429 S. Cantrall Creek Road, Cantrall, IL 62625** and more particularly described as:

See EXHIBIT A

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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, private garage, barn, cropland & timber.**
5. That the proposed land use of said property is **a single-family residence, private garage, barn, cropland & timber.**
6. That the requested **rezoning and variance** of said property is **for: proposed Parcel 1, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for proposed Parcel 2, a variance to allow one (1) parcel greater than five (5) acres.**
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.**


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 **Janet Dobrinsky**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Judith Johnson, Don Wulf, and Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Peggy Egizzi**


RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-003

Address: 6429 S. Cantrall Creek Road, Cantrall

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 so the single-family residence can be sold and the cropland maintained.

- (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 is a natural division of the single-family residence from the cropland. The petitioner is requesting to sell the residence while maintaining the cropland.

- (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.

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	5
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	
18'-20' pavement, 40' ROW	10	0
> 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	20
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	Osco	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	5	87	4
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	30	75	23
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	5	74	4
119D3	Elco	N	45	74	33
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	10	74	7
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				

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Parcel # 05-25-300-013

Zoning Case # 2014-003

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	71
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GRAND TOTAL	146
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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.