

CASE# 2015-043
RESOLUTION NUMBER 4-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
7749 CLARKSVILLE ROAD, ROCHESTER
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, **Edward & Tracy Tuxhorn**, have 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 less than forty (40) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 17, 2015** 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

DEC 29 2015

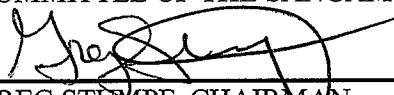

Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of January, 2016 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 less than forty (40) acres on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of January, 2016.

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

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Tract 1: That part of the Northeast Quarter of Section 35, Township 15 North, Range 4 West of the Third Principal Meridian, lying North of the paved road, in Sangamon County, Illinois.

Tract 2: Part of the Southeast Quarter of Section 26, Township 15 North, Range 4 West of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter of Section 26, thence East 1320 feet, thence North 1848 feet, thence West 1320 feet, thence South 1848 feet to the point of beginning, in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2015-043

ADDRESS: 7749 Clarksville Road, Rochester, IL 62563

PETITIONER: Edward & Tracy Tuxhorn

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Proposed Parcel 1: "R-1" Single-Family Residence District; and, for Proposed Parcel 2: "A" Agricultural District with a variance to allow one (1) parcel less than forty (40) acres.

AREA: 21.43 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The LESA score of 209 indicates the property is suitable for agricultural use only with the primary contributing factors being the quality of the soils and lack of essential services. There are no mitigating factors associated with the land that would support non-agricultural development. No circumstances unique to the property were identified to justify the requested variance. The Standards for Variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: Approval


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITON OF:)	DOCKET NO: 2015-043
Edward & Tracy Tuxhorn)	
)	PROPERTY LOCATED AT:
)	7749 Clarksville Road
)	Rochester, IL 62563

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 17, 2015** 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: **7749 Clarksville Road, Rochester, IL 62563** and more particularly described as:

Tract 1: That part of the Northeast Quarter of Section 35, Township 15 North, Range 4 West of the Third Principal Meridian, lying North of the paved road, in Sangamon County, Illinois.

Tract 2: Part of the Southeast Quarter of Section 26, Township 15 North, Range 4 West of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Southeast Quarter of Section 26, thence East 1320 feet, thence North 1848 feet, thence West 1320 feet, thence South 1848 feet to the point of beginning, in Sangamon County, Illinois.

- 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, pole barn, shed, barn, grain bins and farm ground.**
- 5. That the proposed land use of said property is **2 single-family residences, pole barn, shed, barn, grain bins and farm ground.**
- 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 less than forty (40) 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.**

Charles Chimento /cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charles Chimento**, **not** 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, Anthony Mares, Don Wulf, & Marilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro, John Lucchesi & Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

**ZONING BOARD OF APPEALS
DECEMBER 17, 2015**

Case #: **2015-043**

Address: **7749 Clarksville Road, Rochester**

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

To the north, east, south, and part of the west are cropland. To part of the west are single-family residences.

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

To the east is I-1 Restricted Industrial District. The rest of the general area is zoned Agricultural.

- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The Zoning Board of Appeals finds that while the LESA score of 209 is high there are some mitigating factors in that farming the property as cropland would be difficult and less profitable because of topography

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

A residential subdivision (Ramblewood) was platted slightly west of the subject property in the 1970s. There have been variances granted to the southeast on Johnson Road in the past twenty years. There is I-1 zoning immediately east of the subject property dating to the 1960s. However, the lack of industrial development could beg the question whether I-1 is the best zoning for the property.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

ZONING BOARD OF APPEALS
DECEMBER 17, 2015

Case #: 2015-043

Address: 7749 Clarksville Road, Rochester, IL 62563

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 Zoning Board of Appeals determined that the production of agriculture to obtain an appropriate economic yield would be difficult given the topography of 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 Zoning Board of Appeals finds that because the ground is very uneven and hilly, it is not likely to be converted to cropland and obtain an economic yield.

- (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.

The Zoning Board of Appeals finds that the requested variance to allow one (1) parcel less than 40 acres will not alter the essential character of the area as there are other homes nearby. The property is located where it will not be a detriment to the area.

Parcel # 23-26-400-007

Zoning Case # 2015-043

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	20
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	10
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	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
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	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	5
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		130
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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	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		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P	25	87	22
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	Osco	I		74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I	28	74	21

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	28	74	21
259D2	Assumption	I	11	74	8
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	79
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GRAND TOTAL	209
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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.