

FILED

DEC 29 2016

Don J. Hay
Sangamon County Clerk

CASE# 2016-048
RESOLUTION NUMBER 4-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
340 E. BANISTER ROAD
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Judith Coady**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District (approximately 5 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 15.75 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 15, 2016** 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 **approve the rezoning and variances; and,**

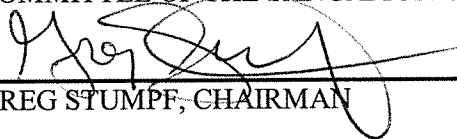
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th Day of January, 2017 that the request for Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District (approximately 5 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 15.75 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2017.

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

A part of the South Half of the Southwest Quarter of Section 22, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, further described as commencing at a stone marking the southeast corner of the Southwest Quarter of Section 22 thence South 89 degrees 30 minutes 09 seconds West on the south line of the Southeast Quarter of the Southwest Quarter of Section 22 a distance of 930.86 feet to an iron pin, the true point of beginning; thence continue South 89 degrees 30 minutes 09 seconds West on the south line of the Southeast Quarter of the Southwest Quarter of Section 22 a distance of 401.85 feet to a stone at the southwest corner of the Southeast Quarter of the Southwest Quarter of Section 22; thence South 89 degrees 53 minutes 47 seconds West on the south line of the Southwest Quarter of the Southwest Quarter of Section 22 a distance of 368.21 feet to an iron pin; thence North 00 degrees 28 minutes 43 seconds West parallel with the west line of the Southwest Quarter of Section 22 a distance of 1328.99 feet to an iron pin in the north line of the South Half of the Southwest Quarter of Section 22; thence North 89 degrees 53 minutes 30 seconds East on the north line of the South Half of the Southwest Quarter of Section 22 a distance of 371.64 feet to an iron pin at the northeast corner of the Southwest Quarter of the Southwest Quarter of Section 22; thence continue North 89 degrees 53 minutes 30 seconds East on the north line of the South Half of the Southwest Quarter of Section 22 a distance of 186.25 feet to an iron pin; thence South 00 degrees 10 minutes 27 seconds East parallel with the east line of the Southwest Quarter of Section 22 a distance of 528.00 feet to a pipe; thence North 89 degrees 53 minutes 30 seconds East parallel with the north line of the South Half of the Southwest Quarter of Section 22 a distance of 219.23 feet to an iron pin; thence South 00 degrees 10 minutes 27 seconds East parallel with the east line of the Southwest Quarter of Section 22 a distance of 798.26 feet to the point of beginning, containing 20.93 acres and subject to any existing easements.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #2 NAME: **Todd Smith**

DOCKET NUMBER: **2016-048**

ADDRESS: **340 E. Banister Road, Springfield, IL 62707**

PETITIONER: **Judith Coady**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District.**

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: “R-1” Single-Family Residence District; and, a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.**
Proposed Parcel 2: “A” Agricultural District; and, a variance to allow one (1) parcel less than forty (40) acres (approximately 15.75 acres); and, a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

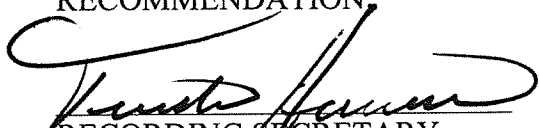
AREA: **20.93 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested rezoning and variances. The purpose of the request is to split off a five (5) acre piece of land to construct a single-family residence. The LESA score of 234 indicates the subject property is suitable for agricultural use only. The subject property can continue to be used economically as cropland. The petition did not mention any circumstances unique to the property to justify the variance request. The Standards for Variation are not met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Approve as requested**


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-048
Judith Coady)	
)	PROPERTY LOCATED AT:
)	340 East Banister Road
)	Springfield, IL 62707

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 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 **December 15, 2016** 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: **340 East Banister Road, Springfield, IL 62707** 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 **cropland.**
- 5. That the proposed land use of said property is **Proposed Parcel 1: Single-Family Residence District; and, for Proposed Parcel 2: Cropland.**
- 6. That the requested **rezoning and variances** of said property are **for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District (approximately 5 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 15.75 acres) and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**
- 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 variances** are 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 variances** be **approved.**



 CHAIRMAN TC

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **John Lucchesi**, to concur with the findings of fact and recommendation of the Zoning Board of Appeals and recommend to the County Board that the petition be **approved** which was duly seconded by **Don Wulf**.

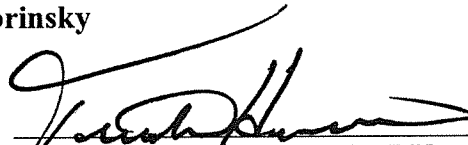
The vote of the Board was as follows:

YES: **Charles Chimento, Andrew Spiro, Anthony Mares, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Merilyn Herbert, Janet Dobrinsky**


RECORDING SECRETARY

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**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
December 15, 2016**

Case #: 2016-048

Address: 340 E. Banister Road, Springfield, IL 62707

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 up on 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.

Because of the uncertainty of the commodity market and inclement weather conditions whereas a single-family home provides shelter and living conditions to an occupant that can sustain a living and income in addition to the increased market value of similar homes 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.

Since petitioner testified this division of land will preserve a centennial farm heritage - a transfer from a mother to her son keeping the land in the family name - and the surrounding land parcels in that of kinship.

- (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.

Because a single-family home would be permitted on the undivided parcel absent any zoning relief and the essential character of the area is both agricultural and residential use. In addition, one single-family stick built residential structure located more than 100 feet from the road frontage (but complying with (911 standards) will have very minimal effect to adjacent property that was understood from testimony to remain as agricultural farm ground.

**ZONING BOARD OF APPEALS
RECOMMENDED- FINDINGS OF FACT
December 15, 2016**

Case #: 2016-048

Address: 340 E. Banister Road, Springfield, IL 62707

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

The existing uses of the property within the general area of the property are both mixed with Agricultural and Residential and the proposed use would appear to be in conformance with existing uses.

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

The zoning classification of the property within the general area of the property is again Agricultural and Residential (single-family use).

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

The suitability of the property in question to the uses permitted under the existing zoning classification would appear to be acceptable given the fact that a single-family residence would be already permitted under the zoning ordinance on the non-divided parcel - thus the construction of a single-family residence on the back 5 acres would be of no change from that which is already permitted by Sangamon County zoning regulations.

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

The trend of development, within the vicinity since the property was originally classified is of single-family use, albeit a controlled, slow trend.