

CASE# 2017-007
RESOLUTION NUMBER 41

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1750 N. WALNUT ROAD, ROCHESTER, IL 62563
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 Petitioners, **Paul and Amy Bulpitt**, have petitioned the Sangamon County Board for **Proposed Parcel 1 (approximately 7 acres): a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District 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 1 acre); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 16, 2017** 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 variances; and,**

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

FILED

MAR 01 2017

Don J. Hay
Sangamon County Clerk

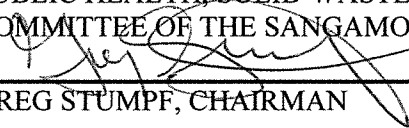
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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of March, 2017** that the request for **Proposed Parcel 1 (approximately 7 acres): a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District 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 1 acre) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **14th day of March, 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

That part of the Southeast Quarter (1/4) of the South east Quarter(1/4) of Section Four (4) Township Fifteen (15) North, Range Four (4) West of the Third Principal Meridian described as follows:

Beginning at a point on the east line of said Southeast Quarter (1/4), Southeast Quarter (1/4), said point being on the north right of way line of the B. & O. Railroad and 897 feet, more or less, north of the southeast corner of said Quarter (1/4) Quarter (1/4). Thence north along the east line of the Southeast Quarter(1/4), Southeast Quarter(1/4), to the northeast corner; thence west along the north line of said Southeast Quarter(1/4), Southeast Quarter (1/4) to a point 342.50 feet east of the northwest corner of said Southeast Quarter (1/4), Southeast Quarter (1/4), said point being in the centerline of the public road; thence southeasterly along said centerline of the public road to the north right of way line of the B. & O. Railroad; thence easterly along said northerly right of way line to the point of beginning. Containing 8 acres, more or less. Situated in Rochester Township, Sangamon County, Illinois

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RECAP
(For County Board Use)

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

DOCKET NUMBER: 2017-007

ADDRESS: 1750 N. Walnut Road, Rochester, IL 62563

PETITIONER: Paul and Amy Bulpitt

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 variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre).

AREA: 8 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The LESA score of 133 indicates the subject property is appropriate for non-agricultural development. For the variances, the subject property is situated in an area with several established rural residences, owing to a forty plus year trend toward residences in this area. The proposed sizes are consistent with other lots in the area, which given the timber and hills would be difficult to farm economically.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of staff recommendation


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2017-007
Paul & Amy Bulpitt)	
)	PROPERTY LOCATED AT:
)	1750 N. Walnut 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 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 **February 16, 2017** 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: **1750 N. Walnut Road, Rochester, IL 62563** 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 **single-family residence and agricultural.**
- 5. That the proposed land use of said property is **for Proposed Parcel 1 & 2: single family residence.**
- 6. That the requested **rezoning and variances** of said property is **for Proposed Parcel 1 (approximately 7 acres): a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District 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 1 acre).**
- 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** 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 variances** be **approved.**


 CHAIRMAN TC

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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, Tony Mares, Don Wulf, Andrew Spiro, Merilyn Herbert**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-007**

Address: **1750 North Walnut Road, Rochester**

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

North & East – Single-family residences and timber. South & West – Single-family residences and cropland.

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

North, East, South, & West – Agricultural.

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

The overall trend in the area is toward rural residences. The LESA score of 133 indicates the property is suitable for non-agricultural development.

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

The area appears to have a trend toward rural residential. In 2004, property north of the subject property was rezoned to R-1. In 2005, a variance was granted for the lot width to be met at a greater distance than 60 feet from the road, the lot depth to exceed 2.5 times the lot width, and the parcel to exceed the 5 acre maximum for 1 lot to the east of the subject property. In 2011, property northwest of the subject property was rezoned to R-1 and a variance was granted to allow the lot width to be met at a greater distance than 60 feet from the road.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-007**

Address: **1750 North Walnut Road, Rochester**

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 subject property is situated in an area with several established rural residences, owing to a forty plus year trend toward residences in this area. The proposed sizes are consistent with other lots in the area, which given the timber and hills would be difficult to farm economically. Therefore, a variance is requested which continues the rural residential trend.

- (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.

This area along Walnut Road has hills and while the subject property is not located within the floodplain it is surrounded by floodplain with the South Fork Sangamon River to the west and the Black Branch to the east. The subject property is also in an area where rural residential development would be appropriate which could warrant granting the variances.

- (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 impacts are anticipated in granting the requested variance.

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Parcel # 23-04-400-011

Zoning Case # 2017-007

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	20
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	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	0
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

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No impact	0	
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<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	10
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	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

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

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

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

SITE ASSESSMENT TOTAL	85
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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	6	87	5
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	54	75	41
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	2	74	1
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		44	
8F	Hickory	N	3	44	1
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	48
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GRAND TOTAL	133
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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.