

CASE# 2018-002
RESOLUTION NUMBER 4-1

DENYING A REZONING, AND GRANTING A USE VARIANCE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
10220 N. PAWNEE ROAD, PAWNEE
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 **deny the amendment, but in the alternative grant a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Simon Levin**, has petitioned the Sangamon County Board for **a rezoning from “A” Agricultural District to “B-2” Retail Business District; a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) “B-2” business; a variance to allow a single-family residence in the “B-2” Retail Business District; and, a variance to allow the parking to remain gravel instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 18, 2018** 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 **deny the rezoning, but in the alternative, grant a Use Variance and variances; and,**

FILED

JAN 24 2018

Don H. King
Sangamon County Clerk

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 **13th Day of February, 2018** that the request for a rezoning from **“A” Agricultural District to “B-2” Retail Business District is denied, but in the alternative, a Use Variance to allow a pottery business is approved provided that:**


- 1. the business is limited to the existing footprints of the two (2) non-residences and one (1) approximately thirteen (13) by fifteen (15) foot room in the residence, as stated in the petition;**
- 2. the hours of operation are limited from 10:00 AM to 4:00 PM on Saturdays or by appointments only on other days, as stated in the business plan submitted with the petition; and,**

a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) a pottery business and a variance to allow the parking to remain gravel instead of the required bituminous seal coat on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this **13th day of February, 2018.**

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

Property commonly known as parcel number: 30-19.0-100-017

PART OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 14 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN; DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON PIN MARKING THE NORTHWEST CORNER OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 13 MINUTES 15 SECONDS EAST ON THE SECTION LINE A DISTANCE OF 972.57 FEET TO A SET IRON PIN MARKING THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 58 MINUTES 19 SECONDS EAST 479.13 FEET TO A SET IRON PIN, THENCE SOUTH 01 DEGREES 13 MINUTES 15 SECONDS EAST 329.42 FEET TO A SET IRON PIN, THENCE SOUTH 88 DEGREES 58 MINUTES 19 SECONDS WEST 479.13 FEET TO A FOUND IRON PIN ON THE SECTION LINE, THENCE NORTH 01 DEGREES 13 MINUTES 15 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 329.42 FEET TO THE POINT OF BEGINNING; WITH THE ABOVE DESCRIBED SUBJECT TO THAT PART NOW BEING USED FOR PUBLIC ROADWAY PURPOSES (PAWNEE ROAD).

RECAP
(For County Board Use)

COUNTY BOARD
MEMBER:

#4

NAME: **Jeff Thomas**

DOCKET NUMBER: **2018-002**

ADDRESS: **10220 N. Pawnee Road, Pawnee, IL 62558**

PETITIONER: **Simon Levin**

PRESENT ZONING
CLASSIFICATION:

“A” Agricultural District.

REQUESTED ZONING
CLASSIFICATION:

“B-2” Retail Business District. A variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) B-2 business, a variance to allow a single-family residence in the B-2 Retail Business District, and a variance to allow the parking to remain gravel instead of the required bituminous seal coat.

AREA: **6 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the requested B-2 zoning. The petitioner requests a rezoning to B-2 to operate a pottery business on the subject property. The list of uses permitted in the B-2 district is too intense and is inappropriate spot zoning. Although the LESA score of 182 indicates agricultural use only, it is highly unlikely the subject property could be economically converted to cropland. Therefore, staff recommends approval of a Use Variance in the A District to allow a pottery business provided that: (a) the business is limited to the existing footprints of the two (2) non-residences and one (1)

approximately thirteen (13) by fifteen (15) foot room in the residence, as stated in the petition; and, (b) the hours of operation are limited from 10:00 AM to 4:00 PM on Saturdays or by appointments only on other days, as stated in the business plan submitted with the petition. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel (single-family residence and pottery business). The variance is required due to the recommended approval of a Use Variance to allow a pottery business.

The variance requested to allow a single-family residence in the B-2 District is not necessary due to staff's recommendation of denial for the B-2 zoning request.

Recommend approval of the requested variance to allow a portion of the parking to remain gravel instead of the required bituminous seal coat. The proposed pottery business is a small business that will have limited vehicular traffic to the site based on the submitted business plan. The Standards for Variation are met.

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: 2018-002
Simon Levin)	
)	PROPERTY LOCATED AT:
)	10220 N. Pawnee Road
)	Pawnee, IL 62558

RECOMMENDATION OF THE BOARD OF APPEALS

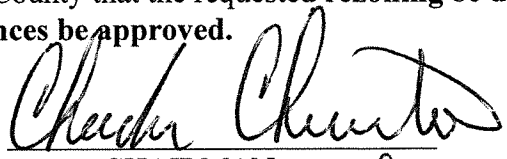
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variances** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **January 18, 2018** 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: **10220 N. Pawnee, IL 62558** 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 a **single-family residence.**
- 5. That the proposed land use of said property is a **pottery business and single-family residence.**
- 6. That the requested **rezoning and variances** of said property are **a rezoning from “A” Agricultural District to “B-2” Retail Business District; a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) “B-2” business; a variance to allow a single-family residence in the “B-2” Retail Business District; and, a variance to allow the parking to remain gravel instead of the required bituminous seal coat.**
- 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 not** support the proposition that the adoption of the proposed **rezoning** is in the public interest and is not solely in the interest of the petitioner(s), **but in the alternative, does** support the proposition that the adoption of a **Use Variance to allow a pottery business provided that:**
 - 1. **the business is limited to the existing footprints of the two (2) non-residences and one (1) approximately thirteen (13) by fifteen (15) foot room in the residence, as stated in the petition;**
 - 2. **the hours of operation are limited from 10:00 AM to 4:00 PM on Saturdays or by appointments only on other days, as stated in the business plan submitted with the petition; and,****a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) a pottery business, and a variance to allow the parking to remain gravel instead of the required bituminous seal coat 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 be denied, but in the alternative, a Use Variance and variances be approved.**


 CHAIRMAN 90

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but in the alternative, grant a Use Variance to allow a pottery business with conditions, a variance to allow two (2) principal uses on one (1) parcel: (a) single-family residence and (b) a pottery business, and a variance to allow the parking to remain gravel instead of the required bituminous seal coat.** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-002**

Address: **10220 N. Pawnee Road, Pawnee**

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

North – Cropland & residences. East, South, & West – 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.

Although the LESA score of 182 indicates agricultural use only, it is highly unlikely the subject property could be economically converted to cropland.

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

The area has remained mostly agricultural with some single-family residences located in the area. In 2015, bulk variances were approved northwest of the subject property. In 1983, a use variance was approved for an office northwest of the subject property.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(POTTERY BUSINESS IN THE A DISTRICT & TWO USES ON ONE PARCEL:
POTTERY BUSINESS AND SINGLE-FAMILY RESIDENCE)**

Case #: 2018-002

Address: 10220 N. Pawnee Road, Pawnee

The Zoning Board of Appeals shall not recommend to the Sangamon County Board that the regulations of the zoning ordinance be varied as authorized in Section 17.66.010 thereof, unless it shall make findings of fact based upon the evidence presented to it in each specified case:

- (i) that the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.

The subject property is marginal for agricultural usage and would be difficult to economically convert to cropland.

- (ii) that the variance is compatible with the trend of development in the area.

The subject property is located along a county highway that should be able to handle the additional traffic the business may generate. In 1983, a use variance was approved for an office northwest of the subject property; the proposed pottery business is not seen to be more intense than the office use.

- (iii) that the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations.

The proposed pottery business is recommended to be housed within the existing structures on the subject property, and therefore should be in harmony with general purpose of the Zoning Ordinance to minimize incompatible uses.

- (iv) that the variance will not create a negative impact on the area, 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.

Negative impacts are not anticipated in granting the requested variance.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-002**

Address: **10220 N. Pawnee Road, Pawnee**

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 proposed pottery business is a small business that will have limited vehicular traffic to the site based on the submitted business plan.

- (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 pottery business is a small business and will have a low impact on the amount of traffic generated on the site.

- (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.

Negative impacts are not anticipated in granting the requested variance.

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Parcel # 30-19-100-017

Zoning Case # 2018-002

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	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	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	
No impact	0	0

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<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	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	110
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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		87	
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		75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	96	75	72
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		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		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	

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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	72
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GRAND TOTAL	182
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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.