

CASE# 2018-017
RESOLUTION NUMBER 4-1

DENYING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
7836 JOHNSON 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 **deny 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, **J & L Strawn Properties, LLC**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 6 acres); and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 25 acres); and,**

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

FILED

MAY 23 2018

Don J. King
Sangamon County Clerk

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 and variances**; and,

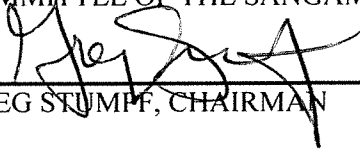
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **12th Day of June, 2018** that the requests for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 6 acres); and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 25 acres) on the above described property is hereby denied.**

Signed and passed by the Sangamon County Board in session on this **12th day of June, 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

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EXHIBIT A

PART OF THE SOUTHWEST QUARTER OF SECTION 35 AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, IN TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 35; THENCE NORTH 0 DEGREES 00 MINUTES 57 SECONDS WEST 200.00 FEET TO AN IRON PIN AT THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES 57 SECONDS WEST 90.14 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 46 MINUTES 05 SECONDS WEST 657.35 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 00 MINUTES 31 SECONDS EAST 372.45 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 44 MINUTES 32 SECONDS EAST 657.20 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 00 MINUTES 57 SECONDS WEST 902.82 FEET TO AN IRON PIN; THENCE SOUTH 87 DEGREES 16 MINUTES 02 SECONDS EAST 1,167.87 FEET TO AN IRON PIN IN THE CENTERLINE OF JOHNSON ROAD; THENCE SOUTH 14 DEGREES 49 MINUTES 31 SECONDS EAST 1,571.98 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 59 SECONDS WEST 979.08 FEET TO AN IRON PIN; THENCE NORTH 160.00 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 09 MINUTES 59 SECONDS WEST 590.12 FEET TO THE POINT OF BEGINNING, CONTAINING 51.00 ACRES, MORE OR LESS.

EXCEPT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN MARKING THE SOUTH EAST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 55 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID SOUTHWEST QUARTER, 290.06 FEET TO A FOUND IRON PIN MARKING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE NORTH 89 DEGREES 39 MINUTES 08 SECONDS WEST, 657.35 FEET TO A FOUND IRON PIN; THENCE NORTH 00 DEGREES 53 MINUTES 09 SECONDS WEST, 372.40 FEET TO A FOUND IRON PIN; THENCE SOUTH 89 DEGREES 37 MINUTES 17 SECONDS EAST, 657.15 FEET TO A SET IRON PIN ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 55 MINUTES 04 SECONDS EAST ON SAID EAST LINE, 372.16 FEET TO THE POINT OF BEGINNING, CONTAINING 5.615 ACRES MORE OR LESS, ALL AS PER SURVEY IN MARCH OF 2012 OF HANS B. DISTLEHORST, ILLINOIS PROFESSIONAL LAND SURVEYOR #035-3271.

PARCEL NUMBER: 23-35.0-400-008.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2018-017

ADDRESS: 7836 Johnson Road, Rochester, IL 62563

PETITIONER: J & L Strawn Properties, LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: R-1 Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the R-1 Single-Family Residence District.**

Proposed Parcel 2: A variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 6 acres).

Proposed Parcel 3: A variance to allow one (1) parcel less than forty (40) acres (approximately 25 acres).

AREA: 43.39 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The LESA score of 204 indicates the subject property is suitable for agricultural use only. The character of the area is cropland and timber with very**

few single-family residences on large parcels. The petitioner's request to divide the subject property into 3 lots with variances is less than the previously requested 6 lots with variances; however, this does not negate the fact that the subject property has a LESA score of 204 and is under active cropland production. Additionally, no unique circumstances applicable to the subject property were presented to justify the requested variances. The Standards for Variation are not 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: 2018-017
J & L Strawn Properties, LLC)	
)	PROPERTY LOCATED AT:
)	7836 Johnson 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 **May 17, 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: **7836 Johnson 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 **cropland.**
- 5. That the proposed land use of said property is **three (3) lot subdivision.**
- 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, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; for Proposed Parcel 2: a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 6 acres); and, for Proposed Parcel 3: a variance to allow one (1) parcel less than forty (40) acres (approximately 25 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 not** 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 **denied.**


 CHAIRMAN
 9/6

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** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-017**

Address: **7836 Johnson Road, Rochester**

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

North & East – Cropland. South – Residence, church, and cropland. West – Cropland, timber, & residence.

- (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 LESA score of 204 indicates the subject property is suitable for agricultural use only. A single-family residence with an accessory structure is a permitted use in the Agricultural District.

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

In Zoning Case #2017-058, the petitioner requested R-1 with variances for the lot depth to exceed 2.5 times the lot width for 6 proposed residential lots in which staff recommended denial of the petition with ZBA concurring with staff. The petitioner then withdrew the request prior to the County Board meeting and has now brought forth the current request. Property 0.5 mile north of the subject property was rezoned R-1 in Zoning Case # 2015-043. The nearest residential subdivision is 2/3 of a mile away.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-017**

Address: **7836 Johnson 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 property is over 40 acres in the Agricultural District and can continue to be used economically as cropland in compliance with the ordinance.

- (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 LESA score is 204 and the property is flat with no topographic variations. No unique circumstances applicable to the subject property were presented to justify the requested 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.

The character of the area is cropland and timber with very few single-family residences on large parcels. In Zoning Case #2017-058, the petitioner requested R-1 with variances for the lot depth to exceed 2.5 times the lot width for 6 proposed residential lots in which staff recommended denial of the petition with ZBA concurring with staff. The petitioner then withdrew the request prior to the County Board meeting and has now brought forth the current request. The petitioner's request to divide the subject property into 3 lots with variances is less than the previously requested 6 lots with variances; however, this does not negate the fact that the subject property has a LESA score of 204 and is under active cropland production.

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Parcel # 23-35-400-008

Zoning Case # 2018-017

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	20
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	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	
Private central sewage system	5	15
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	
Less than 1,000' away	5	0
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	
2.6-5 miles	5	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		120
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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</u>	
				<u>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	21	98	21
68A	Sable	P2	5	87	4
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	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	54	87	47
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	16	75	12
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
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	84
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GRAND TOTAL	204
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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.