

**DENYING A REZONING AND A VARIANCE AND GRANTING A USE VARIANCE
AND VARIANCES**

FOR CERTAIN PROPERTY LOCATED AT
3851 RICHLAND ELEVATOR ROAD, PLEASANT PLAINS
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 a variance, 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, **William E. Trader**, has petitioned the Sangamon County Board for **a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District; a variance to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) concrete contractor; a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 2019** 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 and a variance, but in the alternative, grant a Use Variance and variances; and,**

FILED

MAY 29 2019

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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 11th Day of June, 2019 that the requests for a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District and a variance to allow a single-family residence in an “I-1” Restricted Industrial District are denied, but in the alternative, a Use Variance to allow a concrete contractor provided the business is not open to the public and a six foot solid fence on the north side of the subject property be maintained/constructed; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) concrete contractor; and, a variance to allow the parking to remain unpaved (rock) 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 11th day of June, 2019.

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 RATTIS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 11, NORTH ON THE QUARTER QUARTER SECTION LINE 3997.47 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 87 DEGREES 54 MINUTES 56 SECONDS, 329.41 FEET; THENCE DEFLECTING TO THE RIGHT 88 DEGREES 17 MINUTES 46 SECONDS, 438.00 FEET; THENCE DEFLECTING TO THE RIGHT 97 DEGREES 07 MINUTES 20 SECONDS, 329.10 FEET; THENCE DEFLECTING TO THE RIGHT 82 DEGREES 29 MINUTES 50 SECONDS, 407.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.18 ACRES, MORE OR LESS.

EXCEPT THAT PART DEDICATED FOR RIGHT OF WAY PURPOSES DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 11, NORTH ON THE QUARTER QUARTER SECTION LINE, 3997.47 FEET TO THE POINT OF BEGINNING; THENCE DEFLECTING TO THE LEFT 87 DEGREES 54 MINUTES 56 SECONDS, 40.03 FEET; THENCE DEFLECTING TO THE RIGHT 92 DEGREES 05 MINUTES 04 SECONDS, 410.81 FEET; THENCE DEFLECTING TO THE RIGHT 82 DEGREES 29 MINUTES 50 SECONDS, 40.34 FEET; THENCE DEFLECTING TO THE RIGHT 82 DEGREES 29 MINUTES 50 SECONDS, 407.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.376 ACRES, MORE OR LESS.

CONTAINING A NET ACREAGE OF 2.80 ACRES, MORE OR LESS

PARCEL NUMBER: 12-11.0-100-015

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2019-014**

ADDRESS: **3851 Richland Elevator Road, Pleasant Plains, IL 62677**

PETITIONER: **William E. Trader**

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

REQUESTED ZONING CLASSIFICATION: **“I-1” Restricted Industrial District; a variance to allow two (2) principal uses on one (1) parcel: 1) single-family residence and 2) concrete contractor; a variance to allow a single-family residence in an I-1 Restricted Industrial District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**

AREA: **2.8 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested I-1 zoning and accompanying variance to allow a single-family residence in an I-1 District. The LESA score of 214 indicates the property is suitable for agricultural use only, but it is highly unlikely the subject property could be economically converted to cropland due to the residence and storage shed on the subject property. However, I-1 is considered to be inappropriate spot zoning and the list of uses is deemed too intense. Staff recommends approval of a Use Variance to allow a concrete contractor provided the business is not open to the public and a six foot solid fence on the north side of the subject property be**

maintained/constructed in compliance with the Zoning Ordinance. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) concrete contractor. As staff recommends approval of a Use Variance to allow the concrete contractor on the subject property, the Standards for Variation are met. Recommend approval of the paving variance. The proposed concrete contractor will have heavy concrete trucks and equipment that would cause significant damage to a paved surface. Also, the proposed business will not be open to the public. 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: 2019-014
William E. Trader)	
)	PROPERTY LOCATED AT:
)	3851 Richland Elevator Road
)	Pleasant Plains, IL 62677

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 16, 2019** 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: **3851 Richland Elevator Road, Pleasant Plains, IL 62677** 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 and storage shed.**
5. That the proposed land use of said property is a **single-family residence and a contractor’s office, shop, and yard.**
6. That the requested **rezoning and variances** of said property is a **rezoning from “A” Agricultural District to “I-1” Restricted Industrial District; a variance to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) concrete contractor; a variance to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance to allow the parking to remain unpaved (rock) 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 and variance to allow a single-family residence in an “I-1” Restricted Industrial District** 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 concrete contractor provided the business is not open to the public and a six foot solid fence on the north side of the subject property be maintained/constructed; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) concrete contractor; and, a variance to allow the parking to remain unpaved (rock) 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 and variance be denied, but in the alternative, a Use Variance and variances be approved.**


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 concrete contractor provided the business is not open to the public and a six foot solid fence on the north side of the subject property be maintained/constructed; a variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) concrete contractor; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat** which was duly seconded by **JD Sudeth**.

The vote of the Board was as follows:

YES: **Don Wulf, Andrew Spiro, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT: **Charlie Chimento**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-014**

Address: **3851 Richland Elevator Road, Pleasant Plains**

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

North, East, & South – Residence. 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.

The LESA score of 214 indicates the property is suitable for agricultural use only, but it is highly unlikely the subject property could be economically converted to cropland due to the residence and storage shed on the subject property. However, I-1 is considered to be inappropriate spot zoning and the list of uses is deemed too intense.

(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.

4-11

**RECOMMENDED STANDARDS FOR USE VARIATIONS
[USE VARIANCE & MULTIPLE USES]**

Case #: **2019-014**

Address: **3851 Richland Elevator Road, Pleasant Plains**

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 petitioner lives in the residence and owns the proposed concrete contractor business on the subject property which is the case of other businesses being operated in a rural area. The nature of the proposed concrete contractor business will have the equipment travel to the various job sites with no one from the public coming to the subject property and the subject property being utilized to mainly store equipment versus conducting business operations on the subject property.

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

Since the proposed concrete contractor will not be open to the public, there should not be a negative impact on the agricultural and rural residential trend in the area.

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

Limitations are proposed that the concrete contractor will not be open to the public and a six foot solid fence on the north side of the subject property be maintained/constructed in compliance with the Zoning Ordinance to be in harmony with the general purpose and intent of the Zoning Ordinance.

- (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.

The petitioner will provide a six foot solid fence along the north property line to help minimize any potential effects the proposed concrete contracting business could have on the surrounding area. Additional negative impacts are not anticipated.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-014**

Address: **3851 Richland Elevator Road, Pleasant Plains**

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 petitioner will have heavy concrete trucks and equipment moving around on the site which would result in a more rapid deterioration of a paved surface and therefore result in a reduced reasonable return on the subject 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 proposed concrete contractor will have heavy concrete trucks and equipment that would cause significant damage to a paved surface. Also, the proposed business will not be open to the public.

- (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.

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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	0
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	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	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		115
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415

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	51	100	51
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P	49	98	48
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		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		74	
119D2	Elco	I		74	
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	

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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	99
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GRAND TOTAL	214
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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.