

**GRANTING A REZONING AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**1141 BUFFALO-MECHANICSBURG RD., DAWSON**  
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, **Michael & Susan Detweiler** has petitioned the Sangamon County Board for **rezoning from "A" Agricultural District to "R-1" Single-family Residence District, with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for both parcels and a variance to allow one (1) parcel less than forty (40) acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 20, 2012** 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 a rezoning and variances; and**

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

**FILED**

SEP 26 2012

*Jae Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> day of October, 2012 that the request for 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 for both parcels and a variance to allow one (1) parcel less than forty (40) acres on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> day of October, 2012.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD

  
TIM MOORE, CHAIRMAN

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ABE FORSYTH, VICE CHAIRMAN

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JOHN FULGENZI

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DAVID MENDENHALL

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
GREG STUMPF

\_\_\_\_\_  
JASON RATTI

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

\_\_\_\_\_  
LINDA FULGENZI

ATTEST:

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Part of the Southeast Quarter of Section 22, Township 16 North, Range 3 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Beginning at the Southwest corner of the Southeast Quarter of said Section 22, thence North 01 degrees 59 minutes 49 seconds East on the Quarter Section line, 956.53 feet; thence South 86 degrees 46 minutes 45 seconds East 1,229.56 feet; thence North 89 degrees 35 minutes 42 seconds East 681.71 feet; thence North 89 degrees 35 minutes 39 seconds East 693.52 feet to a point on the West right of way line of County Highway 19 ; thence South 09 degrees 06 minutes 30 seconds East on said right of way line, 82.59 feet; thence South 00 degrees 47 minutes 52 seconds West, 122.11 feet; thence South 00 degrees 20 minutes 47 seconds West 225.74 feet; thence South 05 degrees 54 minutes 36 seconds West 44.92 feet to a point in the approximate center line of Clear Creek; thence Westerly following the meanderings of the center line of Clear Creek according to the following courses, North 45 degrees 19 minutes 17 Seconds West, 282.22 feet; thence South 83 degrees 47 minutes 35 seconds West, 265.51 feet; thence South 41 degrees 19 minutes 52 seconds West, 259.86 feet; thence South 84 degrees 32 minutes 01 seconds West 240.68 feet; thence South 47 degrees 00 minutes 26 West, 106.99 feet; thence South 50 degrees 08 minutes 00 seconds West, 89.08 feet; thence South 83 degrees 04 minutes 15 seconds West, 183.41 feet; thence North 75 degrees 32 minutes 08 seconds West, 103.45 feet; thence South 52 degrees 19 minutes 08 seconds West, 215.99 feet; thence South 65 degrees 40 minutes 47 seconds West, 111.55 feet; thence North 74 degrees 29 minutes 21 seconds West, 240.72 feet; thence South 65 degrees 48 minutes 12 seconds West, 214.35 feet; thence South 87 degrees 59 minutes 00 seconds West, 218.49 feet; thence South 61 degrees 46 minutes 56 seconds West, 101.10 feet to a point on the South line of aforesaid Section 22, thence North 88 degrees 30 minutes 29 seconds West, 340.70 feet to the point of beginning.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2012-041

ADDRESS: 1141 Buffalo-Mechanicsburg Rd., Dawson, IL. 62520

PETITIONER: Michael & Susan Detweiler

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single-family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for both parcels and a variance to allow one (1) parcel less than forty (40) acres.

AREA: 40.5 acres

COMMENTS: None

OBJECTORS: No

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested "R-1" Single-family Residence District zoning for one (1) parcel. The Land Evaluation and Site Assessment score of 129 indicates the property is deemed acceptable for non-agricultural development and there is an existing residence on the property that is to be divided and rezoned. Recommend approval of requested variances. The standards for variation are met. The petitioner wishes to refinance the single-family residence and the bank is requiring less acreage in order to move forward with the process. There are no anticipated negative impacts in allowing this division.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

Approval

  
\_\_\_\_\_  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2012-041**  
**Michael & Susan Detweiler** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **1141 Buffalo-Mechanicsburg Rd.**  
) ) **Dawson, IL. 62520**

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 **September 20, 2012** 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: **1141 Buffalo-Mechanicsburg Rd., Dawson, IL. 62520** 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 pasture.**
- 5. That the proposed land use of said property is **a single-family residence and pasture.**
- 6. That the requested **rezoning and variances** of said property are from **"A" Agricultural District to "R-1" Single-family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for both parcels and a variance to allow one (1) parcel less than forty (40) 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** 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 **granted**.

*Charles Chimento/Cx*  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Janet Dobrinsky**, 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 **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, John Lucchesi, Janet Dobrinsky**

NO:

ABSENT: **Byron Deaner, Don Wulf**

*Cyndi Kozoles*  
 RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-041

Address: 1141 Buffalo-Mechanicsburg Road, Dawson

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 request is made to facilitate division of the 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.

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**The petitioner is requesting to divide the single family residence from the pasture for the purposes of refinancing the home and the financial institution is requiring less acreage in order to move forward.**

- (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 impact is anticipated in allowing the division.**

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	<b>5</b>
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	<b>5</b>
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	<b>10</b>
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	<b>10</b>
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	<b>10</b>
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	<b>5</b>
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	<b>0</b>
No impact	0	
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
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	<b>15</b>
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	<b>0</b>
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	<b>0</b>
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	<b>0</b>
15-30 minutes	5	
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>	<b>60</b>
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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	Viriden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

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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	53	75	40
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	6	75	5
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	1	75	1
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	Osko	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	4	74	3
280C2	Fayette	I	10	72	7
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	23	50	12
280D3	Fayette	I		44	
8D3	Hickory	I		44	
8F	Hickory	N	2	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	69
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GRAND TOTAL	129
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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.

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-041

Address: 1141 Buffalo-Mechanicsburg Road, Dawson

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

**The area is a mix of single family residences and cropland.**

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

**The property is surrounded by Agricultural zoning.**

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

**The Land Evaluation and Site Assessment score of 129 indicates the property is considered acceptable for non-agricultural development.**

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

**The area has remained stable agricultural with some single family residences built in the immediate vicinity.**