

CASE# 2015-044  
RESOLUTION NUMBER 5-1

**GRANTING A REZONING AND VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**IN THE 10,600 BLOCK OF KEPLINGER ROAD, LOAMI**  
**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 the amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Brent & Halley Hustedde**, have petitioned the Sangamon County Board for **Proposed Parcel 1: 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 40 acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 17, 2015** 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**

DEC 29 2015

*Don J. Hays*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 12<sup>th</sup> Day of January, 2016 that the request for **Proposed Parcel 1: 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 40 acres on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this 12<sup>th</sup> day of **January, 2016.**

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

**ATTEST:**

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

**EXHIBIT A**

The south east quarter of the northwest quarter of section 26, Township 14 North Range 7 West of the Third Principal Meridian, EXCEPT a tract described as follows: Beginning at the Southeast corner of the Southeast Quarter of the northwest Quarter of Section 26, running thence North 4.571 chains; thence West 17.5 chains, thence South 4.571 chains. Thence East 17.50 chains to the place of beginning. Subject to real estate taxes, easements, covenants and restrictions of record. Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals which have been previously reserved or conveyed. Situated in Sangamon County Illinois.

**RECAP**  
(For County Board Use)

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

DOCKET NUMBER: **2015-044**

ADDRESS: **In the 10,600 Block of Keplinger Road, Loami, IL 62661**

PETITIONER: **Brent & Halley Hustedde**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcel 1: 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 1/2) times the lot width; and, for Proposed Parcel 2: "A" Agricultural District with a variance to allow one (1) parcel less than 40 acres.**

AREA: **32 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The LESA score for the property is 194. While this score indicates that the land is suitable for agricultural use only, there is a significant mitigating factor associated with the land. The property is located immediately adjacent to the South Fork of Lick Creek resulting in a large portion of the property being in the floodplain and being subject to flood inundation. Given the proximity of the property to the creek, it is unlikely that the property could yield an adequate return if the land were used solely as cropland. The owner seeks to construct a home out of the floodplain and the bank has indicated the property must be divided to finance the development. The remaining portion of the property will continue to be used for pasture. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION: **Approval as staff recommended.**

*Cyndi Knowles*  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: ) DOCKET NO: **2015-044**  
**Brent & Halley Hustedde** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **In the 10,600 Block of Keplinger Road**  
) ) **Loami, IL 62661**

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 variance** 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 **December 17, 2015** 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: **In the 10,600 Block of Keplinger Road, Loami, IL 62661** and more particularly described as:

**The south east quarter of the northwest quarter of section 26, Township 14 North Range 7 West of the Third Principal Meridian, EXCEPT a tract described as follows: Beginning at the Southeast corner of the Southeast Quarter of the northwest Quarter of Section 26, running thence North 4.571 chains; thence West 17.5 chains, thence South 4.571 chains. Thence East 17.50 chains to the place of beginning. Subject to real estate taxes, easements, covenants and restrictions of record. Except coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals which have been previously reserved or conveyed. Situated in Sangamon County Illinois.**

- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **vacant land.**
- 5. That the proposed land use of said property is **a single-family residence and vacant land.**
- 6. That the requested **rezoning and variances** of said property is **for Proposed Parcel 1: 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 1/2) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than 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 **approved.**

*Charles Chimento/ck*  
CHAIRMAN

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 **Anthony Mares.**

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, & Merilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro, John Lucchesi & Janet Dobrinsky**

*Cyndi Knowles*  
RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2015-044**

Address: **10600 Block Keplinger Road, Loami**

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

**To the north and west are cropland. To the east are timber, floodplain, and pasture. To the south are timber and floodplain.**

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

**The property in the general area is zoned Agricultural.**

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

**The LESA score for the property is 194. While this score indicates that the land is suitable for agricultural use only, there is a significant mitigating factor associated with the land. The property is located immediately adjacent to the South Fork of Lick Creek resulting in a large portion of the property being in the floodplain and being subject to flood inundation. Given the proximity of the property to the creek, it is unlikely that the property could yield an adequate return if the land were used solely as cropland. The owner seeks to construct a home out of the floodplain and the bank has indicated the property must be divided to finance the development. The remaining portion of the property will continue to be used for pasture.**

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

**A variance was granted on Thunderbird Road in 2008 (Zoning Case # 2008-36) to create a single-family residence.**



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-044**

Address: **10600 Block Keplinger Road, Loami**

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 located immediately adjacent to the South Fork of Lick Creek resulting in a large portion of the property being in the floodplain and being subject to flood inundation. Given the proximity of the property to the creek, it is unlikely that the property could yield an adequate return if the land were used solely as cropland. The owner seeks to construct a home out of the floodplain and the bank has indicated the property must be divided to finance the development. The remaining portion of the property will continue to be used for pasture.**

- (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 topography of the property includes a large amount of bottom ground and floodplain.**

- (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.**

Parcel # 27-26-100-004

Zoning Case # 2015-044

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>10</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
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	<b>15</b>
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	<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>5</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>120</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	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	12	75	9
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	32	75	24
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	3	75	2
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	16	74	12
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N	37	74	27
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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>74</b>
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<b>GRAND TOTAL</b>	<b>194</b>
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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.