

CASE# 2016-018 5-1
RESOLUTION NUMBER

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 300 BLOCK OF ANDREW ROAD, SPRINGFIELD
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **The Estate of Joseph J. Myerscough**, has petitioned the Sangamon County Board for **Proposed Parcel 1 (approximately 13 acres): 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**

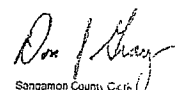
WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 2016** after proper notice was posted on said property and given by news publication, as is required by said Ordinance, and all procedural and jurisdictional requirements of the Sangamon County Zoning Ordinance have been 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 variance; and**

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

FILED

JUN 29 2016

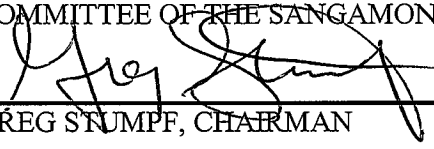

Sangamon County, Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of July, 2016 that the request for Proposed Parcel 1 (approximately 13 acres): 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 on the above described property is hereby approved.

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

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The East Half (E. 1/2) of the Southwest Quarter (SW 1/4) of Section Twenty-seven (27), Township Seventeen (17) North, Range Five (5) West of the Third Principal Meridian, except the coal and minerals thereunder and subject to highway dedications heretofore of record.

Except that part described as follows:

A part of the East Half of the Southwest Quarter of Section 27, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a stone found at the Southeast corner of the Southwest Quarter of said Section 27; thence North along the East line of said Southwest Quarter, 2337.79 feet to a pin at the point of beginning; thence South 89 degrees 06 minutes 55 seconds West, 575.00 feet to a pin; thence North, 312.19 feet to a the centerline of County Road 1; thence along said centerline, South 89 degrees 56 minutes 59 seconds East, 574.93 feet to the East line of said Southwest Quarter; thence South along said East line, 302.81 feet to the point of beginning.

Except that part thereof deeded to the State of Illinois by Warranty Deed recorded June 18, 1980 as Document No. 855089, and described as follows:

Part of the Southwest Quarter of Section 27, Township 17 North, Range 5 West of the Third Principal Meridian in Sangamon County, Illinois, described as follows:

From a stone at the Southwest Corner of the Northwest Quarter of Section 28, Township 17 North, Range 5 West of the Third Principal Meridian; thence East 7272.68 feet along the Quarter Section Line and the centerline of Andrew Road (Federal Aid Secondary Route 634); thence South 40.0 feet to the Point of Beginning on the South Right of Way Line of F.A.S. Route 634; thence S. 74 degrees 44 minutes 42 seconds W. 57.01 feet; thence West 95.0 feet; thence N. 71 degrees 59 minutes 45 seconds W. 52.57 feet to a point on said South Right of Way Line; thence S. 89 degrees 38 minutes 35 seconds E. 200.01 feet along said South Right of Way Line to the Point of Beginning, containing .05 acre, more or less.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #17 NAME: Annette Fulgenzi

DOCKET NUMBER: 2016-018

ADDRESS: In the 300 Block of Andrew Road, Springfield, IL 62707

PETITIONER: The Estate of Joseph J. Myerscough

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1 (approximately 13 acres): "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.

AREA: 75.79

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval. The LESA score of 192 indicates the property is suitable for agricultural usage. However, the unimproved subject property sits along the western edge of a long-established residential area. Further, the proposed Parcel 1 is splitting approximately thirteen (13) acres of pasture and a pond from the cropland so it can remain in production. The purpose of the variance is to allow a split with a new driveway off Springfield Street where it is flat. The topography on the subject property slopes down and then rises rapidly which could make safely siting a driveway off Andrew Road difficult. 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: 2016-018
The Estate of Joseph J. Myerscough)	
)	PROPERTY LOCATED AT:
)	In the 300 Block of Andrew Road,
)	Springfield, IL 62707

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 **June 16, 2016** 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 300 Block of Andrew Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

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- 3. That the present zoning of said property is **"A" Agricultural District.**
- 4. That the present land use of said property is **pasture & cropland.**
- 5. That the proposed land use of said property is **a single-family residence, pasture & cropland.**
- 6. That the requested **rezoning and variance** of said property is **for Proposed Parcel 1 (approximately 13 acres): 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.**
- 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 variance** 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 **approved.**


 CHAIRMAN 

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Anthony Mares**, 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 **Charles Chimento.**

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Marilyn Herbert**

NO:

PRESENT:

ABSENT:


 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-018**

Address: **300 Block of Andrew Road, Sherman**

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

To the north are residences and a banquet hall. To the east are residences and cropland. To the south are cropland and timberland. To the west are cropland, pasture, and a residence.

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

To part of the north, part of the east, south, and west are Agricultural. To part of the north is R-1. To part of the east is R-1.

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

The LESA score of 192 indicates the property is suitable for agricultural usage. However, the unimproved subject property sits along the western edge of a long-established residential area.

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

There is a long-established residential area to the east, i.e. Andrew. In 1997, a use variance was granted to allow a countertop shop northeast of the subject property. In 2007, a CPU was granted to allow a banquet hall with a use variance to permit a catering business north of the subject property. Also in 2007, variances were granted to facilitate a division northwest of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-018**

Address: **300 Block of Andrew Road, Sherman**

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.

If the requested variance is not granted, there could be an economic hardship to the owner because the topography of the subject property could make it difficult to safely site a driveway along Andrew Road.

- (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 on the subject property slopes down and then rises rapidly which could make safely siting a driveway off Andrew Road difficult.

- (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.

It is unlikely the requested variance will alter the character of the area as there are several residences located along both Andrew Road and Springfield Street, primarily east of the subject property. Staff also notes it might be possible with a reconfiguration of the lot to a more square/rectangular shape and a reduction in acreage to exactly the five (5) acres that the current owner might be able to use a one-time zoning exception (OTE) on the subject property. This would negate the need for the requested rezoning and variances. However, it is very important to note the OTE does not apply to subsequent owners because they did not own the subject property as of May, 2001. Negative impacts pertaining to adequate supply of light and air, traffic congestion, and property values should not be greatly exacerbated by this specific variance request.

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Parcel # 06-27-300-015

Zoning Case # 2016-018

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	10
50-74%	5	
Under	.	
50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	10
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	10
25-49%	5	
Less than 25% or sewer available	0	
	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	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
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	0
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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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	19	98	19
68A	Sable	P2	8	87	7
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	
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	32	87	28
3451A	Lawson	P3		75	
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	20	75	15
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	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	1	74	1
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I	4	50	2
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		1		

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	77
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GRAND TOTAL	192
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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.