

CASE# 2016-041 5-1
RESOLUTION NUMBER

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3400 BLOCK RT. 97, PLEASANT PLAINS, IL 62677
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 Petitioners, **William and Sheila Goldsberry**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres, 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 **November 17, 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

DEC 01 2016


Don J. King
Sangamon County Clerk

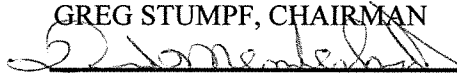
NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of December, 2016** that the request for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres, 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 **13th day of December, 2016.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

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GREG STUMPF, CHAIRMAN
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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

All that part of the Southeast Quarter of Section 8, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the intersection of the North line of said Southeast Quarter of Section 8 and the West line of Illinois Route 97; thence along said West line of Illinois Route 97 the following courses and distances: South 01 degree 20 minutes 42 seconds East, a distance of 356.52 feet; South 03 degrees 12 minutes 04 seconds West, a distance of 479.33 feet; South 04 degrees 49 minutes 09 seconds East, a distance of 473.08 feet; thence departing said West line of Illinois Route 97, South 89 degrees 13 minutes 44 seconds West, a distance of 294.89 feet; thence North 19 degrees 44 minutes 34 seconds West, a distance of 682.04 feet; thence South 89 degrees 10 minutes 21 seconds West, a distance of 1388.61 feet; thence North 01 degree 09 minutes 43 seconds West, a distance of 659.22 feet; thence North 89 degrees 06 minutes 58 seconds East, a distance of 1905.97 feet to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2016-041

ADDRESS: 3400 Block Rt. 97, Pleasant Plains, IL 62677

PETITIONER: William & Sheila Goldsberry

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: "R-1" Single-Family Residence District.**
Proposed Parcel 2: "A" Agricultural District with a variance to allow one (1) parcel less than forty (40) acres, and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

AREA: 34.54 acres

COMMENTS: None


OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The LESA score for the property is 163, and while this score indicates the property is marginal for agricultural usage there is a mitigating factor associated with the land. The presence of a wooded area, topographical changes, and an area of floodplain on the subject property make it unlikely the property could be economically used as cropland. The owner seeks to split off a five (5) acre residential tract from the current parcel. The parcel currently is less than forty (40) acres and contains varying topography and floodplain cutting across the subject parcel which limits where a residence could be constructed. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS

RECOMMENDATION:

Approval of staff recommendation


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-041
William & Sheila Goldsberry)	
)	PROPERTY LOCATED AT:
)	3400 Block Rt. 97
)	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 a **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 **November 17, 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: **3400 Block Rt. 97, Pleasant Plains, IL 62677** 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 **vacant.**
- 5. That the proposed land use of said property is **split the land and add a single-family residence.**
- 6. That the requested **rezoning and variance** of said property is **for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres, 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 70

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 **Andrew Spiro**.

The vote of the Board was as follows:

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

NO:

PRESENT: **John Lucchesi, Janet Dobrinsky**

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-041**

Address: **3400 Block Rt. 97, Pleasant Plains**

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

North – Residential and ball field. East and South – Residential and cropland. West – Cropland.

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

North, South, & West – Agricultural. East – R-1 & Agricultural.

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

The petition indicates the requested R-1 District is proposed for a triangular portion consisting of approximately five (5) acres which is lined with trees along the western edge of Proposed Parcel 1. The LESA score of 163 indicates the property is marginal for agricultural usage. The presence of a wooded area, topographical changes, and an area of floodplain on the subject property make it unlikely the property could be economically used as cropland.

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

The area appears to have a trend toward rural residential. In 2013, a rezoning from A to R-1 and a variance were granted to an area east and southeast of the subject property (Zoning Case #2013-054).

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-041**

Address: **3400 Block Rt. 97, 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 property contains a creek running along the area where the proposed lot split is to occur. The requested variances are needed because of the proposed lot split so a new residence can be built on Proposed Parcel 1. The parcel contains varying topography and wooded areas that make it less likely the property would revert to cropland. A trend in the area along Route 97 has been established with large residential lots.

- (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 parcel currently is less than forty (40) acres and contains varying topography and floodplain cutting across the subject parcel which limits where a residence could be constructed.

- (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 in granting the requested variance.

Parcel # 13-08.0-400-011

Zoning Case # 2016-041

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	5
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	5
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	0
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	0
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	95
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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	4	87	3
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	8	75	6
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	16	75	12
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	11	74	8
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	29	74	21
119D3	Elco	N	7	74	5
259D2	Assumption	I	17	74	13
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	68
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GRAND TOTAL	163
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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.