

**GRANTING A REZONING, CONDITIONAL PERMITTED USE AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
7320 & 7392 BARCLAY ROAD, SHERMAN
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 a rezoning, Conditional Permitted Use and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Curt & Kimberly Fleck and Barclay Innovations LLC (Curt & Kimberly Fleck and Clifford & Carol Fleck)**, have petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an Agricultural Conditional Permitted Use in the "R-1" Single-Family Residence District; a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) private outdoor recreation center; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 2: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres); a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of**

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the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 3: pursuant

Don J. Hayes
Sangamon County Clerk

to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **March 18, 2021** 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, Conditional Permitted Use and variances;** and,

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 **12th Day of April, 2021** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an Agricultural Conditional Permitted Use in the “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) private outdoor recreation center;

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- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres);
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

For Proposed Parcel 3:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served.

Signed and passed by the Sangamon County Board in session on this 12th day of April, 2021.

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COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

That part of the East Half of the North 92 acres of the Northwest Quarter of Section 2, Township 16 North, Range 4 West of Third Principal Meridian, Sangamon County, Illinois, bounded and described as follows:

Beginning at a point in the North line of said Northwest Quarter, which point is 225 feet East of the West line of said East Half of said North 92 acres, and running thence South, parallel with the West line of said East Half North 92 acres, 217.80 feet to an iron pin; thence East parallel with the North line of said Northwest Quarter, 200 feet to an iron pin; thence North 217.80 feet to a point in the North line of said Northwest Quarter, which last above described point is 200 feet East of the place of beginning; thence West 200 feet to the place of beginning, containing 1 acre, more or less.

Parcel Number: 15-02.0-100-002.

AND

The East one half of the North 92 acres of the Northwest Quarter of Section Two (2), Township Sixteen (16) North, Range Four (4) West of the Third Principal Meridian.

EXCEPT the East 200 feet of the West 425 feet of the North 217.80 feet thereof.

EXCEPT Part of the Northeast Quarter of the Northwest Quarter of Section 2, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 2, North 88 degrees 34 minutes 37 seconds East on the section line, 425.07 feet, thence South 0 degrees 56 minutes 54 seconds East, 40.00 feet to the point of beginning, thence North 88 degrees 34 minutes 38 seconds East, 300.00 feet, thence South 1 degree 03 minutes 16 seconds East, 129.37 feet, thence South 88 degrees 34 minutes 37 seconds West, 125.98 feet, thence South 1 degree 25 minutes 23 seconds East, 88.76 feet, thence North 88 degrees 51 minutes 18 seconds East, 125.40 feet, thence South 1 degree 03 minutes 16 seconds East, 405.20 feet, thence North 87 degrees, 06 minutes 01 seconds West, 414.83 feet, thence North 0 degrees 03 minutes 57 seconds East, 159.82 feet, thence South 87 degrees 17 minutes 44 seconds East, 168.00 feet, thence North 2 degrees 36 minutes 10 seconds West, 159.83 feet, thence North 39 degrees 22 minutes 52 seconds West, 85.45 feet, thence North 0 degrees 56 minutes 54 seconds West, 217.81 feet to the point of beginning.

Parcel Number: 15-02.0-100-008.

AND

Part of the Northeast Quarter of the Northwest Quarter of Section 2, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

From the Northwest Corner of the Northeast Quarter of the Northwest Quarter of said Section 2, North 88 degrees 34 minutes 37 seconds East on the section line; 425.07 feet, thence South 0 degrees 56 minutes 54 seconds East, 40.00 feet to the point of beginning, thence North 88 degrees 34 minutes 38 seconds East, 300.00 feet, thence South 1 degree 03 minutes 16 seconds East, 129.37

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feet, thence South 88 degrees 34 minutes 37 seconds West, 125.98 feet, thence South 1 degree 25 minutes 23 seconds East, 88.76 feet, thence North 88 degrees 51 minutes 18 seconds East, 125.40 feet, thence South 1 degree 03 minutes 16 seconds East, 405.20 feet, thence North 87 degrees 06 minutes 01 seconds West, 414.83 feet, thence North 0 degrees 03 minutes 57 seconds East, 159.82 feet, thence South 87 degrees 17 minutes 44 seconds East, 168.00 feet, thence North 2 degrees 36 minutes 10 seconds West, 159.83 feet, thence North 39 degrees 22 minutes 52 seconds West, 85.45 feet, thence North 0 degrees 56 minutes 54 seconds West, 217.81 feet to the point of beginning.

Parcel Number: 15-02.0-100-009.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #8 NAME: Lori Williams

DOCKET NUMBER: 2021-014

ADDRESS: 7320 & 7392 Barclay Road, Sherman, IL 62684

PETITIONER: Curt & Kimberly Fleck and Barclay Innovations LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an Agricultural Conditional Permitted Use in the "R-1" Single-Family Residence District; a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) private outdoor recreation center; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 2: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres); a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 3: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served.

AREA: 45.36 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval.** Although the LESA score of 198 indicates the property is suitable for agricultural use only, the home to be constructed on Proposed Parcel 1 is part of the overall development at this location. The proposed private outdoor recreation center is a seasonal use that will operate mainly during the Fall, and has been operating under a temporary use permit for the past seven years with no known negative effects on the surrounding area. The requested paving variance will allow the petitioners to use the area as a pasture during the off season. The requested off-street parking variance on adjoining lots will allow the required number of parking spaces to be met for the entire private outdoor recreation center regardless of what activity is on each parcel. The variance to allow one parcel less than 40 acres is necessary in order to bring Proposed Parcel 2 into compliance when the reconfiguration occurs. The Standards for Variation are met.

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SANGAMON COUNTY ZONING 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: 2021-014
Curt & Kimberly Fleck)	
Barclay Innovations LLC)	
)	PROPERTY LOCATED AT:
)	7320 & 7392 Barclay Road
)	Sherman, IL 62684

RECOMMENDATION OF THE ZONING 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 **rezoning, Conditional Permitted Use 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 **March 18, 2021** 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: **7320 & 7392 Barclay Road, Sherman, IL 62684** 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 **Single-family residence with accessory buildings, temporary private outdoor recreation center, and agricultural.**
5. That the proposed land use of said property is **Proposed Parcel 1: Single-family residence with private outdoor recreation center. Proposed Parcel 2: Private outdoor recreation center. Proposed Parcel 3: Private outdoor recreation center and agricultural.**
6. That the request(s) for the subject property are for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an Agricultural Conditional Permitted Use in the “R-1” Single-Family Residence District; a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) private outdoor recreation center; a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 2: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres); a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and, for Proposed Parcel 3: pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center; pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served.**
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, Conditional Permitted Use and variances** are 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 following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District;**
- Pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an **Agricultural Conditional Permitted Use in the “R-1” Single-Family Residence District;**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: **(1) single-family residence and (2) private outdoor recreation center;**
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres);
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

For Proposed Parcel 3:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served.



 CHAIRMAN

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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **Tony Mares**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Section 17.10.020 to allow an Agricultural Conditional Permitted Use in the “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

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- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 3 acres);
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served; and,

For Proposed Parcel 3:

- Pursuant to Chapter 17.58 and Section 17.10.020, a Conditional Permitted Use for a private outdoor recreation center;
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.080 to allow off-street parking on a lot that is not the same as the lot served.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Phil Sidles**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2021-014

Address: 7320 & 7392 Barclay Road, Sherman

(i) Existing uses of property within the general area of the property in question.
**North – Residence, manufactured home, junk yard, storage shed, and timber.
East & South – Residence and cropland. West – Cropland.**

(ii) The zoning classification of property within the general area of the property in question.
North – Agricultural, B-3, I-1, and I-2. East, South, & West – Agricultural.

(iii) The suitability of the property in question to the uses permitted under the existing zoning classification.
Although the LESA score of 198 indicates the property is suitable for agricultural use only, the home to be constructed on Proposed Parcel 1 is part of the overall development at this location.

(iv) The trend of development, within the vicinity since the property was originally classified.
The trend of development is agricultural and rural residential with some scattered rural businesses and light industrial uses typical of an unincorporated village like Barclay. In 2019, a parcel was rezoned to R-1 north of the subject property. In 1987, I-2 with a CPU for a junk yard was granted north of the subject property.

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**SANGAMON COUNTY - RECOMMENDED FINDINGS OF FACT
FOR CONDITIONAL PERMITTED USES**

Case #: 2021-014

Address: 7320 & 7392 Barclay Road, Sherman

No conditional permitted uses shall be granted by the County Board unless the conditional permitted use:

- (i) Is so proposed that the proposed location, design and method of operation of such use will minimize the adjacent effects on the character of the surrounding area.

The proposed private outdoor recreation center is a seasonal use that will operate mainly during the fall, and has been operating under a temporary use permit for the past seven years with no known negative effects on the surrounding area.

- (ii) Is so proposed to be operated, designed and located so that the public health, safety, and welfare will be protected.

The private outdoor recreation center has been operating under a temporary use permit for the past seven years with no known negative effects, and will operate within the guidelines of the Zoning Ordinance and the Sangamon County Department of Public Health.

- (iii) Will not cause substantial injury to the value of other property in the vicinity in which it is located.

There is no foreseen impact.

- (iv) In addition to the above general standards for all conditional permitted uses that may be allowed, no conditional permitted use listed below shall be granted unless the proposed use can meet the standards as noted:

- (a) Fairgrounds, public or private outdoor recreation centers - that the principal vehicle access for such use is located on a major thoroughfare or a secondary thoroughfare or within one-quarter mile of a major thoroughfare, that such use is so located as to draw a minimum of vehicular traffic to and through minor and collector streets in residential areas.

The proposed private outdoor recreation center is located within one-quarter mile of State Route 54.

- (b) Manufactured home parks - must meet the requirements of Chapter 17.48 Large Scale Development.

N/A

- (c) Tourist home, motels, hotels - that the proposed use must be located on or within 400 feet of a major thoroughfare.

N/A

- (d) Taverns and liquor stores - that the following distances be maintained: (1) schools - 100' from the property line of the school to the property line of the tavern or liquor store; (2) churches - 100' from the church building to the tavern or liquor store building; and (3) residences - 100' from the tavern or liquor store property line to the residential structure or institutional care facility.

N/A

- (e) Wind energy conversion systems - a WECS shall not be located within 1½ miles of an incorporated area with a population over 10,000 or within ½ mile of an incorporated area with a population of less than 10,000. WECS shall not be located so that they interfere with contiguous urban development.

N/A

- (f) Adult-use cannabis business establishments as defined in Chapter 17.04:
 - 1) that the following distances be maintained from the principal structure of an adult-use cannabis business establishment to the property line of a use defined in Chapter 17.04 as a "sensitive area":
 - (A) Adult-use cannabis craft grower – 1,500 feet
 - (B) Adult-use cannabis cultivation center – 1,500 feet
 - (C) Adult-use cannabis dispensing organization (dispensary) – 250 feet
 - (D) Adult-use cannabis infuser organization (infuser) – 1,500 feet
 - (E) Adult-use cannabis processing organization (processor) – 1,500 feet
 - (F) Adult-use cannabis transporting organization (transporter) – 1,500 feet
 - 2) On-premise consumption of cannabis at cannabis dispensing organizations and smoking lounges in unincorporated Sangamon County is prohibited.

N/A

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**SANGAMON COUNTY
RECOMMENDED STANDARDS FOR USE VARIATIONS
[AG CPU IN R-1 DISTRICT & 2 USES ON 1 PARCEL: 1) SINGLE-FAMILY RESIDENCE &
2) PRIVATE OUTDOOR RECREATION CENTER]**

Case #: 2021-014

Address: 7320 & 7392 Barclay Road, Sherman

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 variances are justified in that the petitioners have been operating a temporary private outdoor recreation center for the past seven years while also living on the subject property. The petitioners are seeking the variances to bring the property into compliance with the Zoning Ordinance.

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

The trend of development is agricultural and rural residential with some scattered rural businesses and light industrial uses typical of an unincorporated village like Barclay. The subject property has been operating in the fall under a temporary use permit for the past seven years, and now no change is being proposed except to make the private outdoor recreation center use permanent.

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

The private outdoor recreation center has been operating under a temporary use permit for the past seven years with no known negative effects in harmony with the Zoning Ordinance. The petitioners have also had their residence on the same parcel as the private outdoor recreation center.

- (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.

Negative impacts are not anticipated.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2021-014

Address: 7320 & 7392 Barclay 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.

Paving Variance: It is not economical to pave a parking lot that is going to be used seasonally for approximately three months a year.

Off-Street Parking Variance: This requested variance will allow the required number of parking spaces to be met for the entire private outdoor recreation center regardless of what activity is on each parcel.

Less Than 40 Acres Variance: The variance to allow one parcel less than 40 acres is necessary in order to bring Proposed Parcel 2 into compliance when the reconfiguration occurs.

- (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.

Paving Variance: The private outdoor recreation center will mainly operate during the fall, so allowing a grass parking lot will allow the petitioners to use the area as a pasture during the off season.

Off-Street Parking Variance:

The subject property is unique in that the private outdoor recreation center spans across all three parcels, and this variance will provide a way for the subject property to meet the number of parking spaces requirement no matter how many activities are located on each parcel.

Less Than 40 Acres Variance: Parcel -009 is currently under 40 acres and due to the reconfiguration of the subject property the variance is necessary to bring Proposed Parcel 2 into compliance.

- (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.

Staff does have concerns of the township road being used for overflow parking. Negative impacts pertaining to other factors 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	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	10
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	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	20
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	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	20
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	0
2.6-5 miles	5	
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	0
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL		120
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5-20

Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

<u>Soil</u>	<u>Name</u>	<u>Type</u>	<u>%</u>	<u>Relative</u>	
				<u>Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	2	100	2
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	34	87	30
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	24	75	18
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	4	74	3
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	13	74	10
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	

685C2	Middletown	I		74	
280D2	Fayette	I	1	74	1
119D3	Elco	N	9	74	7
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I	4	74	3
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I	7	50	4
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	78
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GRAND TOTAL	198
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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.