

CASE# 2014-045
RESOLUTION NUMBER 60-1

DENYING AN AMENDMENT AND GRANTING AMENDMENTS AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1048 & 1060 N. BRADFORDTON 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 **deny one amendment but grant amendments and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **the Estate of Helen A. Nickelson, Paul Nickelson, Executor and Lois Irwin**, have petitioned the Sangamon County Board to **rezone Proposed Parcels 1, 2 and 3 from "A" Agricultural District to "R-1" Single-Family Residence District and for Proposed Parcels 1 and 3, 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 20, 2014** 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 **deny one amendment and grant amendments and variances;** and

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

FILED

NOV 26 2014

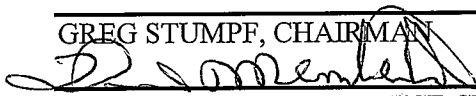
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of December, 2014 that the request to rezone Proposed Parcel 1 from "A" Agricultural District to "R-1" Single-Family Residence District be denied. However, the request to rezone Proposed Parcels 2 and 3 from "A" Agricultural District to "R-1" Single-Family Residence District and for Proposed Parcels 1 and 3, 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 9th day of December, 2014.

Respectfully submitted,

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

- _____
GREG STUMPF, CHAIRMAN
- 

DAVID MENDENHALL, VICE CHAIRMAN
- _____
JOHN FULGENZI
- _____
CRAIG HALL
- _____
SAM SNELL
- _____
ABE FORSYTH
- _____
JASON RATTTS
- _____
LINDA DOUGLAS WILLIAMS
- _____
LINDA FULGENZI
- _____
LISA HILLS
- _____
MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel 13-23.0-400-043, 15.49 Acres is legally described as Lot 23 of the James M. Bradfore Estate as recorded in book "L" Pages 522 and 523 in the Circuit Clerks Office, County of Sangamon, State of Illinois.

All that portion of Lot 23 of the James M. Bradfore estate as recorded in Book "L" Pages 522 and 523 in the Circuit Clerks Office, County of Sangamon, State of Illinois, as being part of the West half of the Southeast Quarter of Section 23, Township 16 North, Range 6 West of the 3rd Principal Meridian, more particularly described as follows:

Beginning at the Southwest corner of the Southeast Quarter of Section 23; thence North 163.68 feet along the West line of said Southeast Quarter Section to the Southwest corner of said Lot 23, the point of beginning; thence North 100.00 feet along the West line of Lot 23; thence S. 89°-27' E. parallel with the South line of Lot 23 a distance of 29.43 feet to a point on the East Right of Way line of County Highway 17; thence continuing S. 891-27' E. parallel with the South line of Lot 23 a distance of 406.17 feet; thence South 100.00 feet to the South line of Lot 23; thence N. 89° -27'W., 406.20 feet along the South line of Lot 23 to a point on the aforesaid Right of Way line; thence continuing N. 89° -27'W. 29.40 feet along the South line of Lot 23 to the point of beginning, containing 1.0 acres, more or less.

Also the following easement for road purposes, bounded and described as follows:

Beginning at the Southwest corner of the Southeast Quarter of Section 23; thence North, 263.68 feet along the West line of said Southeast Quarter Section to the point of beginning; thence North 20 feet along the West line of Lot 23; thence S. 89° -27' E. parallel with the south line of Lot 23 a distance of 29.45 feet to a point on the East Right of Way line of County Highway 17, thence continuing S. 89° -27' E. parallel with the South line of Lot 23 a distance of 406.15 feet; thence south, 20 feet; thence N. 89° -27' W. parallel with the South line of Lot 23 a distance of 406.17 feet to a point on the aforesaid Right of Way line; thence continuing N. 89° -27' W. parallel with the South line of Lot 23 a distance of 29.43 feet to the point of beginning.

The above described land being subject to an easement for a public highway, known as Section 51 M.F.T., S. A. Route 17, as recorded in Deed Book 303, page 274 and Plat Book 13. page 28 in the Sangamon County Recorders Office.

Excepting and reserving therefrom an easement of way 12 feet in width across said tract to and from a certain well thereon with full right to take and use water therefrom, to lay pipe for the use and benefit of our property and for its occupants, at any time adjacent to said tract in common with Grantees.

Except

A parcel of land lying in the Southwest quarter of the Southeast quarter of Section 23, Township 16 North, Range 6 West of the Third Principal Meridian, situated in the County of Sangamon, State of Illinois, more particularly described as follows:

Commencing at a found railroad spike, said spike being the South quarter corner of said Section 23; thence North 00 degrees 20 minutes 02 seconds West, a distance of 162.67 feet along the center of section line for said section, to the point of beginning of the hereinafter described parcel of land; thence continuing along said center of section line, North 00 degrees 20 minutes 02 seconds West, a distance of 100.00 feet, to the Northwest property corner; thence south 89 degrees 40 minutes 37 seconds East, a distance of 38.10 feet along the Northern property line; thence south 01 degree 32 minutes 19 seconds East, a distance of 100.05 feet, to a point on the Southern property line; thence North 89 degrees 40 minutes 37 seconds West, a distance of 40.20 feet, along said Southern property line to the point of beginning.

Containing 0.090 acre, more or less, of which 0.070 acre, more or less has been previously used for public road purposes.

Except

That part of Lot 23 in the West half of the Southeast quarter of Section 23, Township 16 North, Range 6 West of the Third Principal Meridian (Lot 23 being recorded in the Circuit Clerk's Office Sangamon County, Springfield, Illinois, in Book "L", Page 522 and 523), bounded and described as follows:

Commencing at a stone at the Southwest corner of the Southeast quarter of said Section 23; thence North 736.69 feet to the Northwest corner of Lot 23; thence East 600 feet along the North line of said Lot 23 to the point of beginning; thence continuing East along the North line of said Lot 23, 290.4 feet; thence South 150 feet; thence West 290.4 feet; thence North 150 feet to the place of beginning; containing one acre, more or less.

Except

A parcel of land lying in the Southwest quarter of the Southeast quarter of Section 23, Township 16 North, Range 6 West of the Third Principal Meridian, situated in the County of Sangamon, State of Illinois, more particularly described as follows:

Commencing at a found railroad spike, said spike being the South quarter corner of Said Section 23; thence North 00 degrees 20 minutes 02 seconds West, a distance of 262.68 feet along the center of section line for said Section 23, to the point of beginning of the hereinafter described parcel of land; thence continuing along said center of section line, North 00 degrees 20 minutes 02 seconds West a distance of 219.14 feet to a point on the Northern property line; thence North 88 degrees 27 minutes 33 seconds East, a distance of 27.12 feet along said Northern property line; thence South 03 degrees 57 minutes 42 seconds East, a distance of 150.13 feet; thence South 01 degrees 32 minutes 27 seconds East, a distance of 70.33 feet, to a point on the Southern property line; thence North 89 degrees 40 minutes 37 seconds West, a distance of 38.10 feet along said Southern property line, to the point of beginning.

Containing 0.170 acre, more or less, of which 0.143 acre, more or less has been previously used for public road purposes.

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RECAP

(For County Board Use)

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

DOCKET NUMBER: 2014-045

ADDRESS: 1048 & 1060 N. Bradfordton Road, Springfield, IL 62707

PETITIONERS: the Estate of Helen A. Nickelson, Paul Nickelson, Executor and Lois Irwin

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For Proposed Parcels 1, 2 and 3 "R-1" Single-Family Residence District and for Proposed Parcels 1 and 3, a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width

AREA: 16.4 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial of the requested R-1 zoning for Lot 1 and approval of the R-1 zoning for Lots 2 and 3. The subject property has a LESA score of 182. Scores ranging between 150-175 points shall be considered for agricultural use only. It is highly unlikely, and cost prohibitive, that proposed Lots 2 and 3 would be converted to strictly agricultural uses given the existing improvements. However, proposed Lot 1 that is largely unimproved is suited for agricultural uses. Recommend approval of the requested variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for proposed Lots 1 and 3. Lot 3 has limited acreage. A minimum of one acre is needed for the parcel due to septic system regulations. Granting the variance would bring the lot into compliance with the regulations and allow the lot to be utilized economically. Lot 1 is the balance of the subject property after the divisions of Lots 3 and 2 and is currently not in compliance with

the regulations. Granting a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width would bring the proposed parcel into compliance with the regulations.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approve as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2014-045
The Estate of Helen A. Nickelson, and)	
Lois Irwin)	PROPERTY LOCATED AT:
)	1048 & 1060 N. Bradfordton 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 **amendments 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 **November 20, 2014** 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: **1048 & 1060 N. Bradfordton Road, Springfield, IL 62707** 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 **two (2) single-family residences, two (2) garages, sheds and timber**.
- 5. That the proposed land use of said property is **two (2) single-family residences, two (2) garages, sheds and timber**.
- 6. That the requested **amendment and variances** of said property are to **rezone Proposed Parcels 1, 2 and 3 from “A” Agricultural District to “R-1” Single-Family Residence District and for Proposed Parcels 1 and 3, 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 **amendments 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 for proposed Parcel 1 be denied. However the rezoning for Proposed Parcels 2 and 3 and variances for Proposed Parcels 1 and 3 be approved.**

Charles Chimento/ck
 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 except for rezoning proposed Parcel 1**, which was duly seconded by **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Andrew Spiro, Merilyn Herbert, John Lucchesi & Janet Dobrinsky**

NO:

PRESENT:

ABSENT: **Don Wulf**

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2014-045

Address: 1048 & 1060 N. Bradfordton Road, Springfield

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

North: Single-family residence, and office building. South, east and west: Cropland.

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

North: OFF, Office district. South, east and west: Agricultural.

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

The property is currently zoned AG. The property contains two (2) single-family residences, a barn, two (2) garages and some timber. For proposed Lots 2 and 3, a more appropriate zoning classification is R-1 given the improvements on the parcels.

The subject property has a LESA score of 182. Scores ranging between 150 – 175 points shall be considered for agricultural use only.

It is highly unlikely, and cost prohibitive, that proposed Lots 2 and 3 would be converted to strictly agricultural uses given the existing improvements. However, proposed Lot 1 that is largely unimproved is suited for agricultural uses.

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

The properties to the north of the subject property have developed with some light commercial uses including offices and the township offices and equipment yard. The property is less than 1/2 mile from Bradfordton which is developed with commercial and office uses.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-045

Address: 1048 & 1060 N. Bradfordton Road, Springfield

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.

Lot 3 has limited acreage. A minimum of one acre is needed for the parcel due to septic system regulations. Granting the variance would bring the lot into compliance with the regulations and allow the lot to be utilized economically. Lot 2 is improved and would be separated from the larger parcel as per the terms of the estate settlement. Lot 1 is the balance of the subject property after the divisions of Lots 3 and 2 and is currently not in compliance with the regulations. Granting a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width would bring the proposed parcel into compliance with the regulations.

- (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 owners are attempting to settle an estate. The divisions of property are requested to facilitate in this process.

- (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 granting the requested variance.

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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	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	
<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	
18'-20' pavement, 40' ROW	10	0
> 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	0
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	10
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	105
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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	1	100	1
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	16	98	16
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
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	

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Parcel # 13-23-400-043 & 13-23-400-044

Zoning Case # 2014-045

Parcel #	Address	Zoning	Area	Value	Count
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2	16	87	14
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	3	75	2
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	16	75	12
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	16	74	12
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I	16	74	12
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	16	50	8
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.

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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	182
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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.