

CASE# 2015-035
RESOLUTION NUMBER 6-1

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
16267 BERLIN TOWER ROAD, NEW BERLIN
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Megan & Mindi Smith**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District on Proposed Lot 2 to allow for a new single-family residence; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **September 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 amendment; and**

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

FILED

SEP 25 2015

Don J. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **6th Day of October, 2015** that the request for a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District on Proposed Lot 2 to allow for a new single-family residence on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **6th day of October, 2015.**

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

Part of the Southeast quarter of Section 26, Township 16 North, Range 8 west of the Third Principal Meridian; Described more particularly as follows:

Commencing at a Stone Marking the Southeast Corner of the Aforementioned Section 26, Thence South 90 degrees 00 minutes 00 seconds West Along the Section Line a Distance of 1119.65 Feet to an Iron Pipe Marking the True Point of Beginning, Thence Continuing South 90 degrees 00 minutes 00 seconds West Along the Section Line a Distance of 480.60 Feet to an Iron Pipe, Thence North 00 Degrees 48 Minutes 38 Seconds West a Distance 906.47 Feet to an Iron Pipe, Thence North 90 Degrees 00 Minutes 00 Seconds East a Distance of 480.60 Feet to an Iron Pipe, Thence South 00 Degrees 48 Minutes 38 Seconds East a Distance of 906.57 Feet to the True Point of Beginning.

Situated in Sangamon County, Illinois.

EXCEPT

A part of the Southeast Quarter of section 26, Township 16 North, Range 8 West of the Third Principal Meridian, more particularly described as follows:

Commencing at a found iron pin at the Southeast corner of the Southeast Quarter of said Section 26; thence south 90 degrees 00 minutes 00 seconds West along the South line of said Southeast Quarter 1119.65 feet to a found iron pipe; thence North 00 degrees 39 minutes 14 seconds West 40.00 feet to a set iron pin and the point of beginning. From the point of beginning; thence North 89 degrees 56 minutes 06 seconds West 168.00 feet to a set iron pin; thence North 00 degrees 39 minutes 14 seconds West 259.31 feet to a set iron pin; thence South 89 degrees 56 minutes 06 seconds East 168.00 feet to a set iron pin; thence South 00 degrees 39 minutes 14 seconds East 259.31 feet to the point of beginning. Containing 43560 square feet, or 1.000 acres, more or less, as shown on Plat of Survey recorded December 18, 2011 as Document No. 2011R42935.

6-4

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: 7

NAME: **Craig Hall**

DOCKET NUMBER: **2015-035**

ADDRESS: **16267 Berlin Tower Road, New Berlin, IL 62670**

PETITIONER: **Megan & Mindi Smith**

PRESENT ZONING CLASSIFICATION: **“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 be greater than two and one-half (2.5) the lot width.**

REQUESTED ZONING CLASSIFICATION: **For Proposed Lot 2 “R-1” Single Family Residence District.**

AREA: **8.57 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval. While the LESA score of 218 indicates the property is suitable for agricultural uses, staff believes the fact that the site has been a homestead for a number of years combined with the new residence constructed immediately to the southeast of the subject property decreases the likelihood that the subject property will revert to productive agricultural usage. Further, the County Board, in Zoning Case # 2011-052, approved a rezoning in the general area with a similar LESA score.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-035
Megan & Mindi Smith))
)	PROPERTY LOCATED AT:
)	16267 Berlin Tower Road
)	New Berlin, IL 62670

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** 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 **September 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: **16267 Berlin Tower Road, New Berlin, IL 62670** and more particularly described as:

See Exhibit A

6-6

- 3. That the present zoning of said property is "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 be greater than two and one-half (2.5) the lot width.
- 4. That the present land use of said property is a single-family residence and two (2) out-buildings.
- 5. That the proposed land use of said property is two (2) single-family residences and two (2) out-buildings.
- 6. That the requested rezoning of said property is from "A" Agricultural District to "R-1" Single-Family Residence District for Proposed Lot 2.
- 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 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 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** which was duly seconded by **Merilyn Herbert**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

6-7

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2015-035

Address: 16267 Berlin Tower Road, New Berlin

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

The surrounding land uses are agricultural with the exception of a residence southeast of the subject property. In the general area, most of the land is agricultural except a few residences and a large antenna tower slightly east of the subject property.

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

The zoning classification in the general area is Agricultural. There is a small tract of R-1 at the southeast corner of the subject property.

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

A single-family residence is a permitted use in Agricultural or R-1. While the LESA score of 218 indicates the property is suitable for agricultural uses, staff believes the fact that the site has been a homestead for a number of years combined with the new residence constructed immediately to the southeast of the subject property decreases the likelihood that the subject property will revert to productive agricultural usage.

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

The parcel to the southeast of the subject property was rezoned to R-1 (Zoning Case # 2011-52) with a similar LESA score. A subdivision will be required to divide the property as mentioned in the petition. The area continues to be agricultural with a few scattered residences and a large antenna tower slightly to the east.

6-8

Parcel # 11-26-400-007

Zoning Case # 2015-035

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	
50-74%	5	20
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	10
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	5
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	
25-49%	5	20
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	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	0
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	10
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		120
------------------------------	--	------------

6-10

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	86	100	86
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	14	87	12
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		75	
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		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	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	98
---	-----------

GRAND TOTAL	218
--------------------	------------

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.