

CASE# 2019-005
RESOLUTION NUMBER 0-1

DENYING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
144 ROBB STREET, GLENARM
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 the amendment and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 2 of R.P. TANSEY'S ADDITION to the Town of Glenarm, Illinois. Parcel Number: 29-33.0-231-027

WHEREAS, the Petitioner, **Zach McBride**, has petitioned the Sangamon County Board for a rezoning from "A" Agricultural District and "R-1" Single-Family Residence District to "B-3" General Business District; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) automotive repair shop; a variance to allow a single-family residence in a "B-3" General Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **March 21, 2019** 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 the rezoning and variances**; and,

FILED

MAR 27 2019

Don J. Hayes
Sangamon County Clerk

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 **8th Day of April, 2019** that the requests for a rezoning from **“A” Agricultural District and “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) automotive repair shop; a variance to allow a single-family residence in a “B-3” General Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat on the above described property are hereby denied.**

Signed and passed by the Sangamon County Board in session on this **8th day of April, 2019.**

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 RATTTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

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LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: **Jeff Thomas**

DOCKET NUMBER: **2019-005**

ADDRESS: **144 Robb Street, PO Box 13, Glenarm, IL 62536**

PETITIONER: **Zach McBride**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District & “R-1” Single-Family Residence District.**

REQUESTED ZONING CLASSIFICATION: **“B-3” General Business District.**

AREA: **1.76 acres**

COMMENTS: **None**

OBJECTORS: **Yes**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The LESA score of 155 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the LESA score is not an appropriate tool because the subject property is located in an unincorporated village. While other B-3 zoning is north of the subject property, Robb Street is a dividing line with commercial uses to the north and residences to the south. The trend for the block bounded by Robb, Main, and Rhodes is residential, so allowing a commercial business would not be in harmony with the general purpose and intent of the Zoning Regulations. Staff has concerns that the end of Robb Street where the proposed automotive repair shop would be located is also in poor condition being gravel/dirt, and allowing a business to utilize this poor road could create a negative impact on the area. The subject**

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property can continue to be used economically as a residential lot. As staff has recommended denial of the B-3 zoning request, the variance requests are unnecessary.

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: 2019-005
Zach McBride)	
)	PROPERTY LOCATED AT:
)	144 Robb Street, PO Box 13
)	Glenarm, IL 62536

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 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 21, 2019** 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: **144 Robb Street, PO Box 13, Glenarm, IL 62536** and more particularly described as:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 2 of R.P. TANSEY'S ADDITION to the Town of Glenarm, Illinois. Parcel Number: 29-33.0-231-027

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3. That the present zoning of said property is **“A” Agricultural District and “R-1” Single-Family Residence District.**
4. That the present land use of said property is a **single-family residence and pole barn.**
5. That the proposed land use of said property is a **single-family residence and automotive repair shop.**
6. That the requested **rezoning and variances** of said property is a **rezoning from “A” Agricultural District and “R-1” Single-Family Residence District to “B-3” General Business District; a variance to allow two (2) uses on one (1) parcel: (1) single-family residence and (2) automotive repair shop; a variance to allow a single-family residence in a “B-3” General Business District; and, a variance to allow the parking to remain unpaved (rock) instead of the required bituminous seal coat.**
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 not** support the proposition that the adoption of the proposed **rezoning 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 and variances** be **denied.**


CHAIRMAN
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MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Larry Beaty**

NO: **Andrew Spiro**

PRESENT:

ABSENT:



RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-005**

Address: **144 Robb Street, Glenarm**

- (i) Existing uses of property within the general area of the property in question.
North – Vacant and countertop store. East & South – Residence. West – Cropland.
- (ii) The zoning classification of property within the general area of the property in question.
North – I-1, B-3, and R-1. East – R-1. South – I-1, R-1, and RM-4. West – Agricultural.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score of 155 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the LESA score is not an appropriate tool because the subject property is located in an unincorporated village. However, staff believes the subject property is better suited to the existing classification.

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

The trend for the block bounded by Robb, Main, and Rhodes is residential. In 2018, B-3 and variances for the front yard setback, side yard setback, and to allow the parking to remain unpaved were granted north of the subject property. In 2011, a side yard setback variance was granted northeast of the subject property. In 1997, B-3 was approved for 2 lots but denied for 2 lots and instead a Use Variance was granted for a countertop shop and warehouse north of the subject property. In 1994, B-2 with a CPU for beer and wine sales and a 100 foot variance was granted southeast of the subject property, but it appears the business is no longer operational.

**RECOMMENDED STANDARDS FOR USE VARIATIONS
(TWO USES ON ONE PARCEL: 1) SINGLE-FAMILY RESIDENCE & 2)
AUTOMOTIVE REPAIR SHOP)**

Case #: 2019-005

Address: 144 Robb Street, Glenarm

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.

No practical difficulties or particular hardships exist in justifying the variance for the second use on the subject property.

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

The trend for the block bounded by Robb, Main, and Rhodes is residential.

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

The block is residential, so allowing a commercial business would not be in harmony with the general purpose and intent of the Zoning Regulations.

- (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.

During the site visit, staff witnessed what appeared to be the automotive repair shop already being run with five vehicles parked on the right-of-way and two vehicles parked in front of the shed. Staff has concerns that the end of Robb Street where the proposed automotive repair shop would be located is also in poor condition being gravel/dirt, and allowing a business to utilize this poor road could create a negative impact on the area.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-005**

Address: **144 Robb Street, Glenarm**

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 subject property can continue to be used economically as a residential lot.

- (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.

No particularly unique circumstances were mentioned in the petition.

- (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.

The block the subject property is on has remained residential and adding an automotive repair shop with unpaved parking would change the character of the area.

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	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	20
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	20
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	0
No impact	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	
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	5
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		80
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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	Oско	P	13	87	11
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	87	74	64
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	75
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GRAND TOTAL	155
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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.