

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
5400 BLOCK OF STATE RT. 97, PLEASANT PLAINS
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

21.83 acres described as: Part of the East Half of the Southeast Quarter lying West of Illinois Route 97 in Section 32, Township 17 North, Range 6 West of the Third Principal Meridian. Parcel Number: 05-32.0-400-032

WHEREAS, the Petitioner, **Barbara Frey**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 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 **grant the rezoning and variances;** and,

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

FILED

MAY 29 2019

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **11th Day of June, 2019** that the requests for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres) on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **11th day of June, 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 RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2019-016

ADDRESS: 5400 Block of State Rt. 97, Pleasant Plains, IL 62677

PETITIONER: Barbara Frey

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: "R-1" Single-Family Residence District and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.**

Proposed Parcel 2: A variance to allow one (1) parcel to be less than forty (40) acres (approximately 14 acres).

AREA: 21.83 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The purpose of the request is to allow the petitioner to divide off 7.5 acres in order to construct a single-family residence. The LESA score of 130 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area. Granting the requested variances will allow the petitioner to economically use the subject property by splitting the property into one lot for a residence and one lot to remain agricultural. The Standards for Variation are met.**

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: 2019-016 |
| Barbara Frey) | |
|) | PROPERTY LOCATED AT: |
|) | 5400 Block of State 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 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 **May 16, 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: **5400 Block of State Rt. 97, Pleasant Plains, IL 62677** and more particularly described as:

21.83 acres described as: Part of the East Half of the Southeast Quarter lying West of Illinois Route 97 in Section 32, Township 17 North, Range 6 West of the Third Principal Meridian. Parcel Number: 05-32.0-400-032

3. That the present zoning of said property is **“A” Agricultural District**.
4. That the present land use of said property is **timber/pasture**.
5. That the proposed land use of said property is a **single-family residence and timber/pasture**.
6. That the requested **rezoning and variances** of said property are **for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 14 acres)**.
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 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 **approved**.



CHAIRMAN *fw*

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, 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 **Tony Mares**.

The vote of the Board was as follows:

YES: **Don Wulf, Andrew Spiro, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT: **Charlie Chimento**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-016**

Address: **5400 Block of State Route 97, Pleasant Plains**

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

North – Residence and ranch. East – Residence and timber. South – Ranch and pasture. West – Timber/pasture.

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

North, East, South, & West – Agricultural.

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

The LESA score of 130 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area.

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

The trend of development is agricultural with rural residences in the area. In 2012, a variance to allow the lot depth to exceed 2.5 times the lot width was granted east of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-016**

Address: **5400 Block of State Route 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.

Granting the requested variances will allow the petitioner to economically use the subject property by splitting the property into one lot for a residence and one lot to remain agricultural. The current parcel is under the 40 acre minimum requirement, so the requested variance will bring proposed parcel 2 into compliance after the proposed division has occurred.

- (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 subject property is in an area where residential properties with smaller lots have developed.

- (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.

Negative impacts are not anticipated.

6-9

Parcel # 05-32-400-032

Zoning Case # 2019-016

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 | 10 |
| 50-74% | 5 | |
| Under 50% | 0 | |
| <u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u> | | |
| 90% or more | 20 | |
| 75-89% | 10 | |
| 50-74% | 5 | 5 |
| Under 50% | 0 | |
| <u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u> | | |
| 75-100% | 10 | 10 |
| 50-74% | 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 | 0 |
| 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 | 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 | 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 | 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 | | 85 |

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 | | 87 | |
| 684B | Broadwell | P | | 87 | |
| 50A | Viriden | 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 | 3 | 75 | 2 |
| 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 | 45 | 75 | 34 |
| 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 | 20 | 44 | 9 |
| 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 | 45 |
|---|-----------|

| | |
|--------------------|------------|
| GRAND TOTAL | 130 |
|--------------------|------------|

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.