

**DENYING A REZONING AND A VARIANCE, AND GRANTING A USE VARIANCE  
AND VARIANCES**

**FOR CERTAIN PROPERTY LOCATED AT  
15234 BLACK DIAMOND ROAD, PAWNEE  
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 a rezoning and a variance, but in the alternative grant a Use Variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**The South six (6) acres of the Northwest Quarter of the Northwest Quarter of Section 17 Township 13 North, Range 4 West of the 3rd Principal Meridian, Sangamon County, Illinois, except all coal, oil, gas and other minerals underlying said real estate.**

**Parcel number: 36-17.0-100-012.**

WHEREAS, the Petitioner, **Tim Glenn**, has petitioned the Sangamon County Board requesting pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District; and, a variance of Section 17.50.060(A) to allow the access ways to the parking areas to remain unpaved (rock) instead of the required bituminous seal coat; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **November 21, 2019** after proper notice was posted on said property and given by news publication, as is

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Sangamon County Clerk

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 a rezoning and a variance, but in the alternative grant a Use Variance 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 10<sup>th</sup> Day of December, 2019 that the following request(s) on the above described property are hereby denied:

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.

The following recommendations on the above described property are hereby approved:

- Pursuant to Section 17.68.050(D), a Use Variance to allow garage door business storage provided that:
  1. the business is not open to the public,
  2. there are no more than five (5) business trucks and three (3) trailers on the subject property, and
  3. there is no outside storage related to the business;

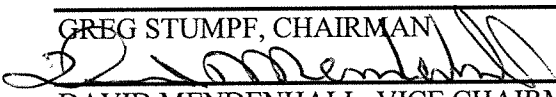
6-3

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access ways to the parking areas to remain unpaved (rock) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of December, 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

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COUNTY BOARD CHAIRMAN

64

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Jeff Thomas

DOCKET NUMBER: 2019-042

ADDRESS: 15234 Black Diamond Road, Pawnee, IL 62558

PETITIONER: Tim Glenn

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: pursuant to Chapters 17.68 and 17.26, a rezoning from "A" Agricultural District to "B-3" General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; a variance of Section 17.26.010 to allow a single-family residence in a "B-3" General Business District; and, a variance of Section 17.50.060(A) to allow the access ways to the parking areas to remain unpaved (rock) instead of the required bituminous seal coat.

AREA: 6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested B-3 zoning and accompanying variance to allow a single-family residence in a B-3 District. The LESA score of 195 indicates the property is suitable for agricultural use only. The east side of Black Diamond Road has remained agricultural with some single-family residences. Staff also concludes that a Use Variance is inappropriate for the subject property. The petition states there will be no outside storage, and the site plan indicates all garage door storage will be located in the existing old barn on the subject property. However, during the site visit staff observed garage door materials located outside of the existing old barn as shown on the bottom picture on the following page. The subject property can continue to be used economically as a single-family residence. Recommend denial of the requested two principal uses variance and paving variance as the requests are not needed without rezoning the property. The Standards for Variation are not met.

**AMENDED:** Recommend denial of the requested B-3 zoning and accompanying variance to allow a single-family residence in a B-3 District. The LESA score of 195 indicates the property is suitable for agricultural use only, but it is highly unlikely the subject property could be economically converted to cropland due to the residence and storage sheds on the subject property. However, the requested B-3 District is considered to be inappropriate spot zoning and the list of uses is deemed too intense. Based on the testimony heard during the public hearing, staff recommends approval of a Use Variance to allow garage door business storage provided that: 1) the business is not open to the public, 2) there are

6-5

no more than five (5) business trucks and three (3) trailers on the subject property, and 3) there is no outside storage related to the business. Recommend approval of the requested variance to allow two (2) uses on one (1) parcel: 1) single-family residence and 2) garage door business storage. As staff recommends approval of a Use Variance to allow the garage door business storage on the subject property, the Standards for Variation are met. Recommend approval of the paving variance. The proposed garage door business storage will not be open to the public and all vehicles and materials related to the business will be located in the existing and proposed garages on the subject property. Also, the first approximately 200 feet of the driveway from the road is paved in asphalt so it is unlikely that rocks would be dragged out onto Black Diamond Road. The Standards for Variation are met.

SANGAMON COUNTY ZONING BOARD OF APPEALS RECOMMENDATION:  
Approval of Amended Staff Recommendation.



RECORDING SECRETARY

6-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2019-042</b>
<b>Tim Glenn</b> )	
)	PROPERTY LOCATED AT:
)	<b>15234 Black Diamond Road</b>
)	<b>Pawnee, IL 62558</b>

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 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 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: **15234 Black Diamond Road, Pawnee, IL 62558** and more particularly described as:

**See Exhibit A**

67

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 and outbuildings**.
5. That the proposed land use of said property is **single-family residence and garage door business storage**.
6. That the request(s) for the subject property are **pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District; and, a variance of Section 17.50.060(A) to allow the access ways to the parking areas 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 variance** is in the public interest and is not solely in the interest of the petitioner(s), **but in the alternative, does** support the proposition that the adoption of a **Use Variance to allow garage door business storage provided that: 1) the business is not open to the public, 2) there are no more than five (5) business trucks and three (3) trailers on the subject property, and 3) there is no outside storage related to the business; 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 following request(s) are hereby denied:**

- **Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.**

**The following recommendations on the above described property are hereby approved:**

- **Pursuant to Section 17.68.050(D), a Use Variance to allow garage door business storage provided that:**
  1. **the business is not open to the public,**
  2. **there are no more than five (5) business trucks and three (3) trailers on the subject property, and**
  3. **there is no outside storage related to the business;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; and,**

6-8

- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access ways to the parking areas to remain unpaved (rock) instead of the required bituminous seal coat.

  
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CHAIRMAN



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the amended findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that:

**The following request(s) are hereby approved:**

- Pursuant to Chapters 17.68 and 17.26, a rezoning from “A” Agricultural District to “B-3” General Business District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.26.010 to allow a single-family residence in a “B-3” General Business District.

**The following recommendations on the above described property are hereby approved:**

- Pursuant to Section 17.68.050(D), a Use Variance to allow garage door business storage provided that:
  1. the business is not open to the public,
  2. there are no more than five (5) business trucks and three (3) trailers on the subject property, and
  3. there is no outside storage related to the business;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow two (2) principal uses on one (1) parcel: (1) single-family residence and (2) garage door business storage; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the access ways to the parking areas to remain unpaved (rock) instead of the required bituminous seal coat.

which was duly seconded by **Larry Beaty**.

The vote of the Board was as follows:

YES:           **Charlie Chimento, Anthony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:

  
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 RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-042**

Address: **15234 Black Diamond Road, Pawnee**

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

**North & East – Cropland. South – Residence. West – Cropland/proposed power plant site.**

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

**North, East, & South – Agricultural. West – I-2.**

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

**The LESA score of 195 indicates the property is suitable for agricultural use only. The east side of Black Diamond Road has remained agricultural with some single-family residences.**

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

**The area has remained mostly agricultural with some single-family residences located in the area. In 2017 and 2018, eighty acres was rezoned from A to I-2 for a power plant west of the subject property.**

6-11

**AMENDED**  
**SANGAMON COUNTY**  
**RECOMMENDED STANDARDS FOR USE VARIATIONS**  
**(TWO PRINCIPAL USES ON ONE PARCEL: 1) SINGLE-FAMILY RESIDENCE &**  
**2) GARAGE DOOR BUSINESS STORAGE)**

Case #: 2019-042

Address: 15234 Black Diamond Road, Pawnee

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.**

**AMENDED: The petition indicates the business office is located in Pawnee, but does not have the additional storage needed for the garage door materials and vehicles. With the proposed limitations for the Use Variance for the garage door business storage, the subject property will be utilized mainly for inside storage versus conducting business operations.**

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

**The variance is incompatible as the area has remained mostly agricultural with some single-family residences.**

**AMENDED: Provided the proposed limitations are approved, the proposed garage door business storage will not have a negative impact on the trend in the area.**

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

**Allowing a business along the east side of Black Diamond Road does not benefit the community here as the trend is agricultural with single-family residences.**

**AMENDED: The Use Variance with the proposed limitations will minimize potential incompatibilities and thereby benefit the community and be in harmony with the general purpose of the Zoning Ordinance.**

- (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.

**The petition states there will be no outside storage, and the site plan indicates all garage door storage will be located in the existing old barn on the subject property. However, during the site visit staff observed garage door materials located outside of the existing old barn.**

**AMENDED: The proposed garage door business storage will not be open to the public and all materials and vehicles related to the business will be stored inside to minimize potential character and traffic effects on the surrounding area. Additional negative impacts are not anticipated.**

6-12

**AMENDED**  
**SANGAMON COUNTY**  
**RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2019-042

Address: 15234 Black Diamond Road, Pawnee

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.**  
**AMENDED: Not having paved access ways might be expected given the nature of the rural residential and agricultural trend in the area. Also, the proposed garage door business storage would not have anyone from the public coming to the subject property except for the employees.**

- (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.**

**AMENDED: The proposed garage door business storage will not be open to the public and all vehicles and materials related to the business will be located in the existing and proposed garages on the subject property. Also, the first approximately 200 feet of the driveway from the road is paved in asphalt so it is unlikely that rocks would be dragged out onto Black Diamond Road.**

- (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 has recommended denial of the proposed rezoning and garage door business storage on the subject property because a business located on the east side of Black Diamond Road would alter the agricultural and residential character of the area, therefore the additional variances requested are unnecessary.**

**AMENDED: Negative impacts are not anticipated.**

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
<b>90% or more</b>	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
<b>90% or more</b>	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
<b>50-74%</b>	<b>5</b>	<b>5</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
<b>75% or more</b>	20	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
<b>Little or none</b>	<b>0</b>	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	
<b>No impact</b>	<b>0</b>	<b>0</b>

6-14

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
18'-20' pavement, 40' ROW	10	
<b>&gt; 20' pavement, 40' ROW or County or State Highway</b>	<b>0</b>	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	
Sewer over 600'-1200' away	8	<b>15</b>
Private central sewage system	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
<b>Not available</b>	<b>20</b>	
1,000-1,500' away	15	<b>20</b>
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	<b>0</b>
2.6-5 miles	5	
<b>0-2.5 miles</b>	<b>0</b>	

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

<b>SITE ASSESSMENT TOTAL</b>		<b>110</b>
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615

**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	23	100	23
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	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P	38	87	33
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	5	75	4
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	26	74	19

6-16

685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I	8	74	6
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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>85</b>
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<b>GRAND TOTAL</b>	<b>195</b>
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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.