

**DENYING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1450 BUFFALO-MECHANICSBURG ROAD, DAWSON
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** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Travis Heck**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Bank of Springfield Center on **August 20, 2020** 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 a rezoning and a variance; and,**

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

FILED

AUG 28 2020

Don Hayes
Sangamon County Clerk

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of September, 2020** that the following request(s) on the above described property are hereby denied:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **8th day of September, 2020.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

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EXHIBIT A

The North 127 acres of the Southwest Quarter of Section 23; Except that part conveyed to the People of the State of Illinois for the use of the Department of Transportation recorded February 14, 1974, as Document No. 361194 in Book 671 at Page 537.

Also, excepting Commencing at the Northwest corner of the Southwest Quarter of Section 23, Township 16 North, Range 3 West of the Third Principal Meridian; thence South on the West line of said Quarter Section, 264.85 feet; thence East on a line forming an 89 degrees 30 minutes angle with said West line (as measured from North to East), 82.00 feet to the point of beginning of the tract to be described; thence continue East on prolongation of said line, 209.00 feet; thence South on a line parallel with the West line of said Southwest Quarter Section, 209.00 feet; thence West on a line forming a 90 degree 30 minutes angle with last described course (as measured from North to West), 209.00 feet; thence North on a line 209.00 feet to the point of beginning on the tract herein described in Sangamon County, Illinois containing one acre, more or less. Pursuant to the survey of Donald W. Frey. Sangamon County, Illinois.

Parcel Number: 16-23.0-300-007.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2020-019

ADDRESS: 1450 Buffalo-Mechanicsburg Road, Dawson, IL 62520

PETITIONER: Travis Heck

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 124.48 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the requested variance. The petitioner did not provide a reason why the subject property could not be used economically if the variance was not granted. Staff also has concerns allowing a proposed parcel with a lot depth that is more than 27 times the lot width when the code calls for the lot depth to be no greater than 2.5 times the lot width. While the subject property does have an area of floodplain, the subject property is also approximately 124 acres, so there is ample area outside the floodplain without topography issues to divide the subject property for a residence in compliance with the ordinance. Due to the recommended denial of the requested variance, staff recommends denial of the requested R-1 zoning for proposed parcel 1 and feels R-1 for the entire 124 acres is not appropriate.

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


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2020-019
Travis Heck))
)	PROPERTY LOCATED AT:
)	1450 Buffalo-Mechanicsburg Road
)	Dawson, IL 62520

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 a variance** 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 **August 20, 2020** 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: **1450 Buffalo-Mechanicsburg Road, Dawson, IL 62520** and more particularly described as:

See Exhibit A

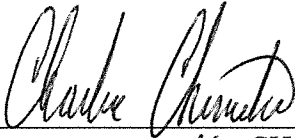
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3. That the present zoning of said property is **“A” Agricultural District**.
4. That the present land use of said property is **Agricultural**.
5. That the proposed land use of said property is **Single-family residence and agricultural**.
6. That the request(s) for the subject property **are for Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) 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 not** support the proposition that the adoption of the proposed **rezoning and a variance** 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**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; and,**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be **greater than two and one-half (2.5) times the lot width.**



466 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, which was duly seconded by **Charlie Chimento**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby denied**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Andrew Spiro, JD Sudeth**

NO:

PRESENT:

ABSENT: **Don Wulf**


 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2020-019**

Address: **1450 Buffalo-Mechanicsburg Rd., Dawson**

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

While the LESA score of 176 indicates the property is suitable for agricultural use only, residences on parcels less than 10 acres have been established in this area across Buffalo-Mechanicsburg Road, establishing a rural residential trend.

- (iv) The trend of development, within the vicinity since the property was originally classified.
The trend of development is mainly agricultural with some single-family residences in the area. In 2012, R-1 and variances for one parcel less than 40 acres and for the lot depth to exceed 2.5 times the lot width were granted to split an existing single-family residence from the agricultural land to the west of the subject property.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-019**

Address: **1450 Buffalo-Mechanicsburg Rd., Dawson**

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 petitioner did not provide a reason why the subject property could not be used economically if the variance was not granted. Staff also has concerns allowing a proposed parcel with a lot depth that is more than 27 times the lot width when the code calls for the lot depth to be no greater than 2.5 times the lot width.

- (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.

While the subject property does have an area of floodplain, the subject property is also approximately 124 acres, so there is ample area outside the floodplain without topography issues to divide the subject property for a residence in compliance with the ordinance.

- (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.

While legally the proposed parcel is not a flag lot, it does have the appearance of a severe flag lot. Placement of a residential parcel more than 2,100 feet from the road makes it difficult for emergency vehicles to identify the location of the property should emergency services be needed.

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Parcel # 16-23-300-007

Zoning Case # 2020-019

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	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	
25-49%	5	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	5
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	0

CONDITION OF ROAD

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	

AVAILABILITY OF PUBLIC SEWER

Not available	15	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	
1,000-1,500' away	15	20
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	0
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

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		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	Oscos	P	27	87	23
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	23	75	17
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	0	75	
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	3	75	2
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	Oscos	I	20	74	15
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	10	74	7
567C2	Elkhart	I		74	
134C2	Camden	I		74	

259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I	3	74	2
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	5	50	3
280D3	Fayette	I		44	
8D3	Hickory	I		44	
8F	Hickory	N	5	44	2
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	71
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GRAND TOTAL	176
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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.