

FILED

CASE# 2011-045
RESOLUTION NUMBER 7-1

NOV 29 2011

Joe Aiello
Sangamon County Clerk

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 7,000 BLOCK OF JETT ROAD, ROCHESTER
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:

The South Ten (10) acres of the Northwest Quarter Of The Southwest Quarter Of Section 5, Also The North Ten (10) Acres Of The Southwest Quarter Of The Southwest Quarter Of Said Section 5, All In Township 14 North, Range 3 West Of The Third Principal Meridian.

WHEREAS, the Petitioner, **Walter E. Wilson**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District to allow for a single family residence, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width for one (1) parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 17, 2011** 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of December, 2011 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District to allow for a single family residence, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width for one (1) parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of December, 2011.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING COMMITTEE OF THE SANGAMON COUNTY BOARD


TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

JASON RATTTS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

LINDA FULGENZI

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhal

DOCKET NUMBER: 2011-045

ADDRESS: In the 7,000 Block of Jett Road, Rochester, Il 62563

PETITIONER: Walter E. Wilson

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District to allow for a single family residence with a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width for one (1) parcel.

AREA: 20 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested R-1 zoning. The LESA score for the proposed parcel is 193. LESA guidelines indicate that a score of 175 shall be considered suitable for agricultural use only. It does not appear that there are factors that can be mitigated to make it suitable for non-agricultural development. Recommended approval of the requested variances, however, since it is the opinion of staff to deny the requested R-1 zoning, the variance relief is not necessary. It is important to point out that the subject property is in Conservation Reserve Program (CRP), which is a voluntary program for agricultural land owners to receive annual payments and cost-share assistance to establish long-term, resource conserving covers on eligible farmland. Property owners can**

remove their farmland from CRP
at any given time.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approved

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2011-045
Walter E. Wilson)	
)	PROPERTY LOCATED AT:
)	In the 7,000 Block of Jett Road
)	Rochester, IL 62563

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 **November 17, 2011** 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: **In the 7,000 Block of Jett Road, Rochester, IL.** and more particularly described as:

The South Ten (10) acres of the Northwest Quarter Of The Southwest Quarter Of Section 5, Also The North Ten (10) Acres Of The Southwest Quarter Of The Southwest Quarter Of Said Section 5, All In Township 14 North, Range 3 West Of The Third Principal Meridian.

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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 ~~C~~ Cropland in the Conservation Reserve Program.
5. That the proposed land use of said property is a single family residence.
6. That the requested rezoning and variances of said property are rezoning from "A" Agricultural District to "R-1" Single Family Residence District to allow for a single family residence, a variance to allow one (1) parcel less than forty (40) acres and a variance of the lot depth to exceed two and one-half (2 1/2) times the lot width for one (1) parcel.
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 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 requested **rezoning and variances** be approved.

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Marvin Traylor**, does not 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 **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

Cynali Knowles
RECORDING SECRETARY

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**ZONING BOARD OF APPEALS
RECOMMENDED – STANDARDS FOR VARIATIONS
NOVEMBER 17, 2011**

Case # 2011-045

Address: **In the 7,000 Block of Jett Road, Rochester**

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 up on 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.

Because of the CRP, we do not feel that the existing ground is suitable as cropland. The LESA score is only 18 points above and the way they classify the soils in that area are questionable.

- (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.

Because of the CRP program, the property can not be used as cropland.

- (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.

There are no houses there now. However, there are other houses in the area. The variation would not cause any adverse effect in any way.

**ZONING BOARD OF APPEALS
RECOMMENDED- FINDINGS OF FACT
NOVEMBER 17, 2011**

Case #: **2011-045**

Address: **In the 7,000 Block of Jett Rd., Rochester**

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

There are single family residences in the area. Whereas, much of the area is in crops, the parcel in question is in the CRP program and can not be uses as such.

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

The surrounding properties are agriculturally zoned.

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

Most agricultural zoned ground is suitable for cropland however, in the case of this property, it is in CRP which does not allow for crops.

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

There are other single family residences in the area.