

CASE# 2014-015
RESOLUTION NUMBER 7-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
10 COUNTRY LAKE ROAD, SPRINGFIELD
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Jay Shattuck**, has petitioned the Sangamon County Board **for proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and for proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single Family Residence District; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 17, 2014** 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 variance; and**

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

FILED

MAY 01 2014

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of May, 2014 that the request for proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and for proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single Family Residence District on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of May, 2014.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL *Sam Snell*

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part Northeast Quarter of Section 32, Township 16 North, Range 6 West of the Third Principal Meridian, Gardner Township, Sangamon County, Illinois, being more particularly described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence South 00 degrees 43 minutes 46 seconds East along the west line of said Northeast Quarter, a distance of 752.73 feet to the point of beginning.

From said point of beginning; thence North 89 degrees 12 minutes 52 seconds East, a distance of 1,341.42 feet to a point on the east line of the Northwest Quarter of said Northeast Quarter; thence continuing North 89 degrees 12 minutes 52 seconds East, a distance of 43.70 feet to the center line of Spring Creek; thence South 62 degrees 19 minutes 13 seconds East along said center line, a distance of 61.89 feet (iron pin set South 34 degrees 44 minutes 22 seconds West, a distance of 33.00 feet); thence South 84 degrees 03 minutes 22 seconds East along said center line, a distance of 127.10 feet (iron pin set South 02 degrees 23 minutes 24 seconds West, a distance of 20.00 feet); thence South 42 degrees 42 minutes 38 seconds East along said center line, a distance of 90.90 feet (iron pin set South 53 degrees 12 minutes 06 seconds West, a distance of 22.00 feet); thence South 02 degrees 27 minutes 05 seconds East along said center line, a distance of 112.13 feet (iron pin set South 86 degrees 52 minutes 49 seconds West, a distance of 17.00 feet); thence South 00 degrees 46 minutes 08 seconds West along said center line, a distance of 179.57 feet (iron pin set North 89 degrees 51 minutes 38 seconds West, a distance of 15.00 feet); thence South 09 degrees 06 minutes 44 seconds East along said centerline, a distance of 86.63 feet (iron pin set South 84 degrees 54 minutes 04 seconds West, a distance of 21.00 feet); thence South 15 degrees 28 minutes 27 seconds West along said centerline of Spring Creek, a distance of 286.81 feet to the intersection of said centerline of Spring Creek and the centerline of Old Salem Road; thence North 52 degrees 17 minutes 30 seconds West along said centerline of road, a distance of 193.98 feet; thence North 54 degrees 49 minutes 18 seconds West along said centerline of road, a distance of 106.69 feet; thence North 60 degrees 44 minutes 48 seconds West along said centerline of road, a distance of 92.21 feet; thence North 69 degrees 30 minutes 24 seconds West along said centerline of road, a distance of 114.82 feet; thence North 79 degrees 19 minutes 22 seconds West along said centerline of road, a distance of 136.43 feet; thence North 83 degrees 59 minutes 42 seconds West along said centerline of road, a distance of 1,005.81 feet to a point on the east line of said Northeast Quarter; thence North 00 degrees 43 minutes 46 seconds West along said east line, a distance of 347.39 feet to the point of beginning, containing 17.570 acres, more or less.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr

DOCKET NUMBER: 2014-015

ADDRESS: 10 Country Lake Road, Springfield, IL 62711

PETITIONER: Jay Shattuck

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Proposed Parcel 1: "A" Agricultural District with a variance to allow one (1) parcel less than forty (40) acres and for proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single Family Residence District.

AREA: 17.57 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval of the requested R-1 zoning for proposed Parcel 2. The Land Evaluation and Site Assessment score of 146 indicates the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variance for Proposed parcel 1. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowler
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2014-015**
Jay Shattuck)
))
)) PROPERTY LOCATED AT:
)) **10 Country Lake Road**
)) **Springfield, IL 62711**

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 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 **April 17, 2014** 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: **10 Country Lake Road, Springfield, IL 62711** and more particularly described as:

See **EXHIBIT A**

3. That the present zoning of said property is **"A" Agricultural District.**
4. That the present land use of said property is a **single-family residence and timber.**
5. That the proposed land use of said property is **two (2) single-family residences and timber.**
6. That the requested **rezoning and variance** of said property are **for proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and for proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single Family Residence District.**
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 variance** be **approved.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **John Lucchesi**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf and John Lucchesi**

NO:

PRESENT:

ABSENT: **Janet Dobrinsky**

Cyndi Knowler
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2014-015**

Address: **10 Country Lake Road, Springfield**

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

There are single-family residences to the west, north and south. There is timber to the east.

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

There is R-1 zoning to the west. There is Agricultural zoning to the north, east and south. Further north is R-1 zoning.

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

The Land Evaluation and Site Assessment score of 146 indicates the property is acceptable for non-agricultural development.

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

The area has remained stable with many single-family residences built in the immediate vicinity. Property to the west was rezoned to R-1 in 1988 and 1993. Property to the southwest was rezoned to R-1 in 1978.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2014-015

Address: 10 Country Lake Road, Springfield

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 request is made to facilitate division of 5 acres from the existing 17.57 to build a new single-family residence.

- (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 a corner lot, but unique compared to other corner lots in the area. The parcel has long frontage on Old Salem Lane and the ingress/egress will be located along Old Salem Lane and will not create any added traffic on Country Lake Road, which has a seen a trend towards new single-family residences.

- (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.

No negative impact is anticipated.

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Parcel # 13-32-200-022

Zoning Case # 2014-015

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	5
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	5
50-74%	5	
Under 50%	0	

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	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	10
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	5
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	

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Parcel # 13-32-200-022

Zoning Case # 2014-015

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

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	10
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

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

SITE ASSESSMENT TOTAL	75
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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	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

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Parcel # 13-32-200-022

Zoning Case # 2014-015

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	15	75	11
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	15	75	11
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	25	75	19
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	10	74	7
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	5	74	4
119D3	Elco	N	25	74	19
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				

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Parcel # 13-32-200-022

Zoning Case # 2014-015

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	146
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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.