

CASE# 2016-024  
RESOLUTION NUMBER 7-1

**DENYING A REZONING AND GRANTING A USE VARIANCE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3598 & 3626 STAGECOACH, 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 **deny a rezoning and grant a use variance and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **John & Carolyn Benanti**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-2" Single-Family and Two-Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres), a variance to allow the lot depth to be greater than two and one-half (2 ½) time the lot width, and a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 21, 2016** 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 the rezoning but, in the alternative, grant a use variance and variances; and,**

**FILED**

JUL 29 2016

  
Sangamon County Clerk


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 **9<sup>th</sup> Day of August, 2016** that the request for **Proposed Parcel 1: to rezone from "A" Agricultural District to "R-2" Single Family and Two Family Residence District is denied but, in the alternative, grant a Use Variance to allow a duplex in the "A" Agricultural District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres), a variance to allow the lot depth to be greater than two and one-half (2 ½) time the lot width, and a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet); is hereby approved on the above described property.**

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of August, 2016.**

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

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

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EXHIBIT A

All of Lot 4 lying East of the public road, said Lot 4 being more particularly described as follows: Part of the Southeast Quarter of the Northwest Quarter of Section 11, Township 16 North, Range 6 West of the third principal meridian, bounded as follows: Beginning 5 chains 17 links North of the Southwest corner of said Southeast Quarter of the Northwest Quarter and running thence North 6 chains 43 links; thence East parallel with the Quarter Section line 36 chains 69 poles to the left bank of the Sangamon River; thence following the meanderings of said river as follows, South 33 degrees East 4 chains 58 links; thence South 39 degrees East 3 chains 35 links; thence West parallel with the North line 41 chains and 21 links to the place of beginning. Situated in SANGAMON COUNTY, ILLINOIS.

**RECAP**  
(For County Board Use)

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

DOCKET NUMBER: 2016-024

ADDRESS: 3598 & 3626 Stagecoach Road, Springfield, IL 62707

PETITIONER: John & Carolyn Benanti

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-2" Single Family and Two Family Residence District on Proposed Parcel 1. A variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres); a variance to allow the lot depth to be greater than two and one-half (2 ½) time the lot width; and, a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet) on Proposed Parcel 2.

AREA: 10.5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend denial of the requested R-2 zoning. The owners wish to divide the subject property, which currently contains two (2) residential structures into two (2) parcels with one (1) residential structure on each parcel, one of which would be a duplex. The LESA score of 149 indicates the subject property is suitable for non-agricultural use. R-2 zoning is seen as too intense for the area and inconsistent with the trend of development.

In September 1995, a Certificate of Compliance was granted by the Sangamon County Zoning Office to construct a single family residence.

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There are no other records to indicate when the structure was converted into a duplex or when the violation initially occurred. However, the current owners indicate that it has been operated as a duplex for at least 15 years.

While R-2 zoning is inappropriate for the area, staff does recommend a use variance to allow the continued use as a duplex in the Agricultural District. However, staff advises that allowing two residential units to share a septic system on less than two (2) acres sets a precedent contrary to the zoning ordinance and is poor planning principles. Staff further believes that allowing a duplex on a parcel that is less than two (2) acres in size should be only allowed to occur in rare situations.

Recommend approval of the requested variances. The owners want to divide the subject property into two parcels via tract survey as the parcel currently contains two residential structures. It is considered a good planning practice to have one residential structure on each parcel. 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: 2016-024  
**John & Carolyn Benanti** )  
) )  
) ) PROPERTY LOCATED AT:  
) ) **3598 & 3626 Stagecoach Road**  
) ) **Springfield, IL 62707**

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 **July 21, 2016** 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: **3598 & 3626 Stagecoach Road, Springfield, IL 62707** 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 **One (1) duplex, one (1) single- family residence, outbuildings, pasture, and timber.**
5. That the proposed land use of said property is **One (1) duplex, one (1) single- family residence, outbuildings, pasture, and timber.**
6. That the requested **rezoning and variances** of said property is for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-2" Single Family and Two Family Residence District; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres); a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet).**
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 **amendment** is in the public interest and is not solely in the interest of the petitioner(s) but, **does** support the proposition that the adoption of the proposed **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 for Proposed Parcel 1** be denied, but in the alternative, grant a use variance to allow a duplex in the **"A" Agricultural District; and, for Proposed Parcel 2: a variance for one (1) parcel less than forty (40) acres, a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and, a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet) for Proposed Parcel 2.**

  
CHAIRMAN 720

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 for **Proposed Parcel 1: to rezone from "A" Agricultural District to "R-2" Single Family and Two Family Residence District to be denied but, in the alternative grant a use variance to allow a duplex in the "A" Agricultural District; and for Proposed Parcel**



**2: a variance to allow one (1) parcel less than forty (40) acres (approximately 9.3 acres), a variance to allow the lot depth to be greater than two and one-half (2 ½) time the lot width, and a variance of the front yard setback to be less than the required thirty (30) feet (approximately 14 feet be approved) which was duly seconded by Charlie Chimento.**

The vote of the Board was as follows:

**YES: Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro, and Merilyn Herbert**

**NO:**

**PRESENT:**

**ABSENT: Anthony Mares and Janet Dobrinsky**

  
RECORDING SECRETARY

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**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: 2016-024

Address: 3598 & 3626 Stagecoach, Springfield

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

**To the north is a residence. To the east are the Sangamon River and timber. To the south are a residence and a mobile home park. To the west is cropland.**

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

**The parcels immediately surrounding the subject property are Agricultural. Northwest of the subject property across Stagecoach is R-1.**

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

**The LESA score of 149 indicates the subject property is suitable for non-agricultural development. Additionally, there is a trend toward residences in the area including a mobile home park immediately south of the subject property that makes it unlikely the subject property would revert to strictly agricultural usage. The subject property is improved with three structures including two residences and a barn that is under construction, as well as pasture and timber. The duplex residence on proposed Parcel 1 is not allowed in the Agricultural District.**

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

**In the 1970s, the County Board twice granted zoning relief to allow mobile home parks immediately south and slightly southwest of the subject property. Zoning Case # 2005-32 granted R-1 zoning immediately northwest of the subject property.**

**RECOMMENDED STANDARDS FOR USE VARIATIONS  
[ALLOW A DUPLEX IN THE AGRICULTURAL DISTRICT]**

Case #: 2016-024

Address: 3598 & 3626 Stagecoach, Springfield

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.

**In September 1995, a Certificate of Compliance was granted by the Sangamon County Zoning Office to construct a single family residence. There are no other records to indicate when the structure was converted into a duplex or when the violation occurred. However, the current owners indicate that it has been operated as a duplex for at least 15 years.**

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

**While R-2 zoning is inappropriate for the area, staff does recommend a use variance to allow the continued use as a duplex in the Agricultural District. However, staff advises that allowing two residential units to share a septic system on less than two (2) acres sets a precedent contrary to the zoning ordinance and is poor planning principles. Staff further believes that allowing a duplex on a parcel that is less than two (2) acres in size should be only allowed to occur in rare situations.**

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

**In September 1995, a Certificate of Compliance was granted by the Sangamon County Zoning Office to construct a single family residence. There are no other records to indicate when the structure was converted into a duplex or when the violation occurred. However, the current owners indicate that it has been operated as a duplex for at least 15 years. Staff recognizes that since the structure was converted to a duplex many years ago, there are unique circumstances associated with this specific case.**

- (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.

**Staff advises that allowing two residential units to share a septic system on less than two (2) acres sets a precedent contrary to the zoning ordinance and is poor planning principles. Staff further believes that allowing a duplex on a parcel that is less than two (2) acres in size should be only allowed to occur in rare situations.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-024**

Address: **3598 & 3626 Stagecoach, 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 owners want to divide the subject property into two parcels via tract survey, as there are currently two residential structures on it. It is considered a good planning practice to have one residential structure on each parcel.**

- (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 curvature of the road in front of the subject property is a unique circumstance to warrant granting the requested front yard setback variance. Also, the Sangamon River contributes to the irregular shape of the subject property and is a relatively unique circumstance that could warrant granting the variance.**

- (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 impacts are anticipated in granting the requested variances.**

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	<b>5</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
Rural	20	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
50-74%	10	<b>5</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>5</b>
Little or none	0	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	<b>0</b>
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	<b>20</b>
16'-18' pavement, 40' ROW	15	
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	<b>15</b>
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	<b>0</b>
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	<b>5</b>
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	<b>5</b>
15-30 minutes	5	
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>		<b>110</b>
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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		87	
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		75	
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	24	75	18
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		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	48	44	21
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>39</b>
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<b>GRAND TOTAL</b>	<b>149</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.