

CASE# 2017-030 M-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
900 WATRET ROAD, LOAMI
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, **Matthew Cloyd**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **July 20, 2017** 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

JUL 26 2017


Don J. Kray
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of August, 2017** that the requests for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **8th day of August, 2017.**

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 RATTI

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Parcel I: “SCHAFER FARM”

The South Half of the Southwest Quarter of the Southwest Quarter of Section Eight (8); also

The North Half of the Northwest Quarter of Section Seventeen (17); also

Part of the South Half of the Northwest Quarter of Section Seventeen (17), described as follows, to-wit: Commencing at a point on the North line of said Half Quarter Section, 5 chains from the Northwest corner; thence East on said North line 27.53 chains, thence South 2 chains and 75 links, thence in a Southwesterly direction to a point 4 chains and 75 links South from the beginning and thence North to the beginning, containing 10.32 acres;

Except the following described Tract:

Part of the South Half of the Southwest Quarter of the Southwest Quarter of Section 8 and part of the North Half of the Northwest Quarter of Section 17, all in Township 14 North, Range 7 West of the Third Principal Meridian, in Sangamon County, Illinois, being described as follows: Beginning at an iron pipe at the northwest corner of the North Half of the Northwest Quarter of Section 17; thence north 00 degrees 16 minutes 16 seconds west 167.91 feet to an iron pin; thence south 59 degrees 04 minutes 37 seconds east 662.78 feet to an iron pin; thence south 01 degrees 30 minutes 07 seconds east 297.98 feet to an iron pin; thence west 573.35 feet to an iron pin; thence north 00 degrees 16 minutes 16 seconds west 470.57 feet to the point of beginning. Situated in Sangamon County, Illinois.

All of the above described land lying and being in Township Fourteen (14) North, Range Seven (7) West of the Third Principal Meridian; situated in Sangamon County, Illinois, and containing in all 120.32 acres, more or less.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2017-030

ADDRESS: 900 Watret Road, Loami, IL 62661

PETITIONER: Matthew Cloyd

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: "R-1" Single-Family Residence District and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District.**

AREA: 84 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The LESA score of 202 indicates the subject property is suitable for agricultural use only. However, the area for Proposed Parcel 1 requesting the rezoning to R-1 is covered in timber and a portion is located within the floodplain which makes it unlikely to be economically converted to cropland. The R-1 zoning is requested to accommodate a future residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural.**

SANGAMON COUNTY 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: 2017-030
Matthew Cloyd)	
)	PROPERTY LOCATED AT:
)	900 Watret Road
)	Loami, IL 62661

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 **July 20, 2017** 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: **900 Watret Road, Loami, IL 62661** 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 **timber.**
5. That the proposed land use of said property is a **single-family residence and timber.**
6. That the requested **rezoning and variance** of said property is **for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “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.**


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 **Larry Beaty**.

The vote of the Board was as follows:

YES: **Charles Chimento, Don Wulf, Andrew Spiro, JD Sudeth, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-030**

Address: **900 Watret Road, Loami**

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

North – Cropland. East – Timber. South & West – Residences and cropland.

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

North, East, South, & West – Agricultural.

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

The LESA score of 202 indicates the subject property is suitable for agricultural use only. However, the area for Proposed Parcel 1 requesting the rezoning to R-1 is covered in timber and a portion is located within the floodplain which makes it unlikely to be economically converted to cropland.

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

The trend of development in the area is agricultural. In 2010, variances were granted to allow the lot depth to be met a greater distance of 60 feet from the road and to allow two parcels to be less than forty (40) acres north of the subject property. In 2007, a variance was granted for a small wind energy conversion system south of the subject property. In 2003, variances were granted to allow the lot depth to exceed 2.5 times the lot width and the lot area to exceed the 5 acre maximum east of the subject property. In 1985, a front yard variance was granted west of the subject property. In 1983, a CPU was granted for a private landing strip southwest of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-030**

Address: **900 Watret Road, Loami**

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 R-1 zoning is requested to accommodate a future residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural.

- (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.

Other parcels in the area are zoned Agricultural, which has no height restrictions.

- (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 variance.

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Parcel # 27-17-100-022

Zoning Case # 2017-030

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	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	15

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	
Sewer over 600'-1200' away	8	15
Private central sewage system	5	
Sewer 600' or less away and available	0	

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

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

SITE ASSESSMENT TOTAL	140
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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	
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	35	75	26
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	16	75	12
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	31	74	23
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N	0	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	2	44	1
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			

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	62
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GRAND TOTAL	202
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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.