

CASE# 2018-005 7-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3500 BLOCK OF TUXHORN 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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Steven R. Walker**, has petitioned the Sangamon County Board for **Proposed Parcels 1-5: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width;** and,

WHEREAS, a public hearing was held at the Sangamon County Building on **January 18, 2018** 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

JAN 24 2018

D. King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **13th Day of February, 2018** that the requests for **Proposed Parcels 1-5: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **13th day of February, 2018.**

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 RATTIS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Property commonly known as parcel number: 23-06.0-276-020 (pt.)

That part of the Southwest Quarter of the Northeast Quarter and that part of the Southeast Quarter of the Northwest Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, lying South of the Southerly right of way line of the Baltimore & Ohio Railroad.

EXCEPT: Part of the Southwest Quarter of the Northeast Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Commencing at an iron pipe set over a stone marking the center of the aforementioned Section 6; thence North 90 degrees 00 minutes 00 seconds East along the Quarter Section line, a distance of 134.29 feet to an iron pipe marking the true point of beginning; thence North 01 degrees 02 minutes 29 seconds East, a distance of 236.20 feet to an iron pipe; thence North 90 degrees 00 minutes 00 seconds East, a distance of 202.90 feet to an iron pipe; thence South 01 degrees 02 minutes 29 seconds West, a distance of 236.20 feet to an iron pipe on the Quarter Section line; thence South 90 degrees 00 minutes 00 seconds West along the Quarter Section line, a distance of 202.90 feet to the true point of beginning.

Also EXCEPT: Part of the Southwest Quarter of the Northeast Quarter of Section 6, Township 15 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, more particularly described as follows:

Commencing at a stone marking the Southwest corner of the Southeast Quarter of the Northeast Quarter of the aforementioned Section 6; thence South 88 degrees 44 minutes 16 seconds West along the Quarter Section line, a distance of 386.98 feet to an iron pipe marking the true point of beginning; thence South 88 degrees 44 minutes 16 seconds West along the Quarter Section line, a distance of 178.00 feet to an iron pipe; thence North 01 degrees 40 minutes 00 seconds West, a distance of 244.75 feet to an iron pipe; thence North 88 degrees 44 minutes 16 seconds East, a distance of 178.00 feet to an iron pipe; thence South 01 degrees 40 minutes 00 seconds East, a distance of 244.75 feet to the true point of beginning.

Also EXCEPT: That part contained within the Country Estates Final Plat.

Containing 14.6 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2018-005

ADDRESS: 3500 Block of Tuxhorn Road, Springfield, IL 62712

PETITIONER: Steven R. Walker

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Proposed Parcels 1-5: "R-1" Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 14.6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval. The LESA score of 138 indicates the subject property is acceptable for non-agricultural development. The purpose of the requested variance is to allow the petitioner to split the subject property into five (5) residential parcels. The subject property is unique in that it is deep being bound on the north by an abandoned railroad right-of-way and contains varying topography. The subject property is also located in an area with public water and sewer where rural residential development is appropriate due to the trend of development in the area. The Standards for Variation are met.

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: 2018-005
Steven R. Walker)	
)	PROPERTY LOCATED AT:
)	3500 Block of Tuxhorn Road
)	Springfield, IL 62712

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 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 **January 18, 2018** 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:

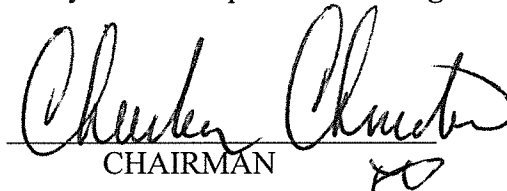
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **3500 Block of Tuxhorn Road, Springfield, IL 62712** 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 **pasture and farm buildings.**
5. That the proposed land use of said property is **five (5) single-family residences.**
6. That the requested **rezoning and variance** of said property is **for Proposed Parcels 1-5: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) 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** 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, **Tony Mares**, 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 **Gina Lathan**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-005**

Address: **3500 Block of Tuxhorn Rd., Springfield**

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

North & West – Cropland. East & South – Residences.

(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 overall trend in the area is toward rural residences. The LESA score of 138 indicates the subject property is acceptable for non-agricultural development.

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

The area has a rural residential trend. In 1999, two parcels were granted lot area and lot width variances south of the subject property. In 1976, a parcel was granted a lot width and road frontage variances east of the subject property.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-005**

Address: **3500 Block of Tuxhorn Rd., 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 unique configuration of the subject property due to the abandoned railroad right-of-way and the trend toward rural residences reduces the reasonable usage of the property for agricultural purposes. The proposed parcel sizes are consistent with three (3) other parcels located along Tuxhorn Road.

- (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 unique in that it is deep being bound on the north by an abandoned railroad right-of-way and contains varying topography. The subject property is also located in an area with public water and sewer where rural residential development is appropriate due to the trend of development in the area.

- (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.

Negative impacts are not anticipated.

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Parcel # 23-06-276-020 (pt.)

Zoning Case # 2018-005

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	10
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
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	5
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	0
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	10
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	0
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	5
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	60
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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	0	100	
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P	1	100	1
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	25	87	22
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		75	
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	48	74	36
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I		74	
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	26	74	19
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	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		

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	78
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GRAND TOTAL	138
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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.