

DENYING AN AMENDMENT AND GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
5545 STAGECOACH ROAD, PLEASANT PLAINS
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 an amendment and grant the variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **John & Doris Powell**, have petitioned the Sangamon County Board for **a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 20, 2019** 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 an amendment and grant the variances; and,**

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

FILED

JUN 26 2019



Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of July, 2019 that the request for a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District is hereby denied; but, the requests for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 8 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence are hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of July, 2019.

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 17 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION, THENCE NORTH 89°-36'-39" WEST, 268.00 FEET ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89°-36'-39" WEST, 686.53 FEET ALONG SAID SOUTH LINE, THENCE NORTH 1°-01'-30" WEST, 515.01 FEET; THENCE SOUTH 89°-36'-53" EAST, 955.00 FEET PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 34 TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 0°-59'-15" WEST, 336.06 FEET ALONG SAID EAST LINE TO A POINT 179.00 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 89°34'-54" WEST, 268.00 FEET; THENCE SOUTH 0°-57'-03" EAST 179.00 FEET TO THE POINT OF BEGINNING, CONTAINING 10.183 ACRES, MORE OR LESS.

PARCEL NUMBER: 05-34.0-200-010

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2019-022

ADDRESS: 5545 Stagecoach Road, Pleasant Plains, IL 62677

PETITIONER: John & Doris Powell

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District.
Proposed Parcel 1: A variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

Proposed Parcel 2: A variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence.

AREA: 10.19 acres

COMMENTS: None

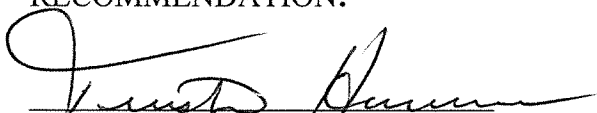
OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the requested R-1 District. The LESA score of 199 indicates the property is suitable for agricultural use only. The land for Proposed Parcel 1 will remain in CRP for eight more years, so keeping the subject property zoned Agricultural is more appropriate than rezoning to R-1. In the alternative, staff recommends approval of a variance to allow Proposed Parcel 1 to be less than forty (40) acres (approximately 8 acres) and a variance to allow Proposed Parcel 2 to be less than forty (40) acres (approximately 1 acre). Staff also recommends approval of the other requested variances. The subject property's residence has been located seven feet from the south property line and the**

lot depth exceeded 2.5 times the lot width prior to the adoption of the zoning regulations. The requested variances are necessary to bring the subject property into compliance when the farmland is separated from the single-family residence. 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: **2019-022**
John & Doris Powell)
))
)) PROPERTY LOCATED AT:
)) **5545 Stagecoach Road**
)) **Pleasant Plains, IL 62677**

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 **June 20, 2019** 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: **5545 Stagecoach Road, Pleasant Plains, IL 62677** 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 CRP ground.**
- 5. That the proposed land use of said property is a **single-family residence and CRP ground.**
- 6. That the requested **rezoning and variances** of said property are **a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; for Proposed Parcel 1: a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence.**
- 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 **rezoning from “A” Agricultural District to “R-1” Single-Family Residence District** is in the public interest and is not solely in the interest of the petitioner(s). The evidence adduced at the hearing **does** support the proposition that the adoption of the proposed **variances for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 8 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence** 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 from “A” Agricultural District to “R-1” Single-Family Residence District is hereby denied; but, the variances for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 8 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence are hereby approved.**


 CHAIRMAN 46

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 a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District is hereby denied; but, the variances for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 8 acres), and a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 acre), and a variance to allow the side yard setback to be approximately seven (7) feet instead of the required ten (10) feet for the existing residence are hereby approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-022**

Address: **5545 Stagecoach Road, Pleasant Plains**

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

North & East – Residence. South – Residence and cropland. West – Timber/pasture.

(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 199 indicates the property is suitable for agricultural use only. The land for Proposed Parcel 1 will remain in CRP for eight more years, so keeping the subject property zoned Agricultural is more appropriate than rezoning to R-1.

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

The area has remained mostly agricultural with some single-family residences in the area.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-022**

Address: **5545 Stagecoach Road, Pleasant Plains**

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.

Granting the requested variances will increase the reasonable return on the subject property by allowing separation of the farmland from the single-family residence so the petitioners can keep the farmland but sell the residence since they have moved to senior living.

- (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 current parcel is under the 40 acre minimum requirement. The subject property's residence has been located seven feet from the south property line and the lot depth exceeded 2.5 times the lot width prior to the adoption of the zoning regulations. The requested variances are necessary to bring the subject property into compliance when the farmland is separated from the single-family residence.

- (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.

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	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	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	0
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	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	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	
Private central sewage system	5	
Sewer 600' or less away and available	0	15

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

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	10
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	5
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL		120
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7-14

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	25	98	25
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	P		87	
684B	Broadwell	P		87	
50A	Viriden	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	70	75	53
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		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	2	74	1
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	79
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GRAND TOTAL	199
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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.