

CASE# 2015-048
RESOLUTION NUMBER 8-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
IN THE 1000 & 1100 BLOCKS OF FARLEY ROAD AND IN THE 8600 BLOCK
OF OLD JACKSONVILLE 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 **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, **Janice D. Park**, has petitioned the Sangamon County Board for **Proposed Parcels 1, 2 & 3: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 3: 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 **December 17, 2015** 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

DEC 29 2015



Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of January, 2016 that the request for Proposed Parcels 1, 2 & 3: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 3: 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 is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of January, 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

EXHIBIT A

Part of the Northwest Fractional Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, and bounded as follows: Beginning at a stone in the West line of said Quarter Section 1011.12 feet South of the Northwest corner of said Quarter Section and running thence South along the West line of said Quarter Section 586.74 feet to an iron pin; thence South 89 degrees 55 minutes East 209.22 feet to an iron pin; thence South 129 feet to a right of way marker in the North right-of-way line of State Aid road number 8 (known as the old Jacksonville Road); thence in an Eastwardly direction along the North right of way of State Aid road number 8, 1603 feet to a right-of-way marker in the East line of said Quarter Section; thence North along the East line of said Quarter Section 648.5 feet to an iron pin; thence West 1806.5 feet to the point of beginning, containing 28.01 acres, more or less.

Except

Part of the Northwest Fractional Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

From the Northwest Corner of the Northwest Fractional Quarter of said section 6, South on the section line 1471.38 Feet; Thence deflecting to the left 77 degrees 18' 36", 36.90 Feet to the point of beginning; thence continuing on said course, 260.16 Feet; thence deflecting to the right 12 degrees 09' 55", 121.82 feet; thence deflecting to the right 27 degrees 45' 54", 144.39 Feet; thence deflecting to the right 119 degrees 16' 32", 141.40 Feet; thence deflecting to the right 90 degree 00' 00", 5 Feet; thence deflecting to the left 90 degrees 00' 00", 124.66 Feet; thence deflecting to the right 94 degrees 08' 35", 130.80 Feet; thence deflecting to the left 91 degrees 02' 20", 173.22 Feet; thence deflecting to the right 90 degrees 00' 00", 118.37 Feet to the point of beginning containing 1.258 Acres, More or Less.

Dedicated Right of Way Description: Part of the Northwest Fractional Quarter of Section 6, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois described as follows:

From the Northwest Corner of the Northwest Fractional Quarter of said section 6, South on the section line 1471.38 Feet to the point of beginning; thence deflecting to the left 77 degrees 18' 36", 36.90 Feet; thence deflecting to the right 77 degrees 18' 36", 118.37 Feet; thence deflecting to the right 90 degrees 00' 00", 36 feet to a point on the aforesaid section line; thence deflecting to the right 90 degrees 00' 00", 126.48 Feet to the point of beginning, containing .101 Acres, More or Less .

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: **Craig Hall**

DOCKET NUMBER: **2015-048**

ADDRESS: **In the 1000 & 1100 Blocks of Farley Road and in the 8600 Block of Old Jacksonville Road, Pleasant Plains, IL 62677**

PETITIONER: **Janice D. Park**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District**

REQUESTED ZONING CLASSIFICATION: **For Proposed Parcels 1, 2 & 3: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: “A” Agricultural District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**

AREA: **26.75 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend denial. The LESA score of 195 indicates the property is suitable for Agricultural use only. The petition did not mention any circumstances unique to the property to justify the request for three (3) potential residences. While it is possible it might be economically unlikely to farm the property because of its size, i.e. approximately 27 acres, it is also equally likely the subject property could be economically use for cropland or at least pasture, if differently maintained. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) Janice D. Park)	DOCKET NO: 2015-0048) PROPERTY LOCATED AT:) In the 1000 & 1100 Blocks of) Farley Road and in the 8600 Block of) Old Jacksonville 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 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 **December 17, 2015** 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: **In the 1000 & 1100 Blocks of Farley Road and in the 8600 Block of Old Jacksonville 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 **CRP and balance of 7 ½ acres trees, creek and single-family residence.**
- 5. That the proposed land use of said property is **three single family residences, CRP, trees and creek.**
- 6. That the requested **rezoning and variance** of said property is **for Proposed Parcels 1, 2 & 3: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 3: 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.**

Charles Chimento/ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf, not** 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 **Anthony Mares.**

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, & Marilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro, John Lucchesi & Janet Dobrinsky**

Cynoli Knowles
RECORDING SECRETARY

8-8

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

**ZONING BOARD OF APPEALS
DECEMBER 17, 2015**

Case #: **2015-048**

Address: **In the 1,000 & 1,100 Blocks of Farley Road & In the 8,600 Block of Old Jacksonville Road**

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

To the north are croplands, timber, and pasture. To the east are residences, floodplain, timber, and pasture. To the south are floodplain, timber, residences, and croplands. To the west is cropland.

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

The zoning classification in the general area is Agricultural.

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

The Zoning Board of Appeals acknowledges that the LESA score of 195 is high. However, it is the opinion of the members that there is a good portion of the land that would not be suitable for farming because of floodplain and topography, and that residential uses can be considered.

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

The Zoning Board of Appeals finds that the area is rural. However, there is a slight trend toward residences to the east of the subject property on the south side of Old Jacksonville Road. Water is available on-site through Curran-Gardner.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

**ZONING BOARD OF APPEALS
DECEMBER 17, 2015**

Case #: **2015-048**

Address: **In the 1,000 & 1,100 Blocks of Farley Road & In the 8,600 Block of Old Jacksonville Road**

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 Zoning Board of Appeals determined that the production of agriculture to obtain an appropriate economic yield would be difficult given the topography of the property. The subject property is 27 acres in size with only about 17 acres available for cropland due to the topography and floodplain.

- (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 Zoning Board of Appeals finds that because the ground is very uneven and hilly, it is not likely to be converted to cropland and obtain an economic yield.

- (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.

The Zoning Board of Appeals finds that to the east of the subject property, the trend of development on Old Jacksonville Road is rural residential. Approval of this request will not change the character.

Parcel # 21-06-100-017

Zoning Case # 2015-048

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	10
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	20
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	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	20
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	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		120
------------------------------	--	------------

812

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	12	87	10
3451A	Lawson	P3		75	
3107A	Sawmill	P5		75	
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3	18	75	14
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	19	75	14
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	25	74	19
259D2	Assumption	I	22	74	16
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	4	44	2
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	75
---	-----------

GRAND TOTAL	195
--------------------	------------

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.