

**FILED**

JUN 27 2018

  
Sangamon County Clerk

CASE# 2018-030  
RESOLUTION NUMBER 8-1

**DENYING A REZONING, AND GRANTING A USE VARIANCE AND VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**3000 BLOCK OF CURRAN ROAD, NEW BERLIN**  
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, but in the alternative, 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 Petitioner, **Advanced Seed Solutions, LLC**, has petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “B-2” Retail Business District and a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat. Petitioner further requests for Proposed Parcel 1 that if the request for rezoning to “B-2” Retail Business District is deemed inappropriate that a Use Variance be granted in accordance with Chapter 17.68; and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 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 **deny the rezoning, but in the alternative, grant a Use Variance and variances;** and,

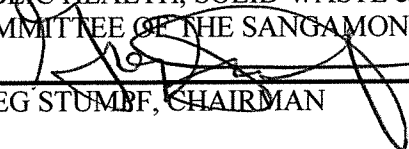
WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this **10<sup>th</sup> Day of July, 2018** that the request for a rezoning from **“A” Agricultural District to “B-2” Retail Business District is denied, but in the alternative, a Use Variance in the “A” Agricultural District to allow an agricultural sales and service business on Proposed Parcel 1; a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres) on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10<sup>th</sup> day of July, 2018.**

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING  
COMMITTEE OF THE SANGAMON COUNTY BOARD

  
\_\_\_\_\_  
GREG STUMPF, CHAIRMAN

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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

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**EXHIBIT A**

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 15 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS. ALSO DESCRIBED AS PART OF THE EAST HALF OF LOT 26 OF THE NORTH HALF OF THE NORTHWEST WM ARCHER ESTATE. PLAT SECTION 16, TOWNSHIP 15 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS CONTAINING 39.10 ACRES, MORE OR LESS, EXCEPTING THAT PART DEDICATED FOR PUBLIC ROAD PURPOSES.

TAX I.D. NUMBER: 21-16-100-004

AND

THAT PART OF THE NORTH QUARTER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 16 LYING NORTH OF INTERSTATE 72 RIGHT OF WAY, EXCEPTING THEREFROM ANY PROPERTY DEDICATED FOR PUBLIC ROAD PURPOSES, TOWNSHIP 15 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, CONTAINING 7.07 ACRES, MORE OR LESS.

TAX I.D. NUMBER: 21-16-100-011

THE NEW TAX I.D. NUMBER FOR 2011 WILL BE: 21-16-100-014

ALL SITUATED IN SANGAMON COUNTY, ILLINOIS.

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2018-030

ADDRESS: 3000 Block of Curran Road, New Berlin, IL 62670

PETITIONER: Advanced Seed Solutions, LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: "B-2" Retail Business District and a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat. Petitioner further requests for Proposed Parcel 1 that if the request for rezoning to "B-2" Retail Business District is deemed inappropriate that a Use Variance be granted in accordance with Chapter 17.68 and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).**

AREA: 46.19 acres

COMMENTS: None

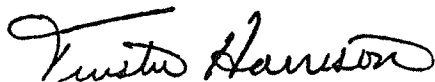
OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The petitioner is proposing to divide approximately 5.3 acres from the subject property to be utilized for an agricultural sales and service business which requires B-2 zoning. The remainder of the parcel will remain in cropland. The LESA score for the property is 192. In this case, the proposed use of the new parcel is one that is ancillary to crop production and provides a benefit to the agricultural community. As such, staff recommends that a Use Variance to allow an agricultural sales and service business on Proposed Parcel 1 be granted. Furthermore, staff**

**recommends approval of the variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat, and approval of a variance to allow one (1) parcel less than forty (40) acres. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Staff Recommendation.**



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RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2018-030</b>
<b>Advanced Seed Solutions, LLC</b> )	
)	PROPERTY LOCATED AT:
)	<b>3000 Block of Curran Road</b>
)	<b>New Berlin, IL 62670</b>

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 21, 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: **3000 Block of Curran Road, New Berlin, IL 62670** 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 **cropland.**
- 5. That the proposed land use of said property is **agricultural sales and service business and cropland.**
- 6. That the requested **rezoning and variances** of said property are **Proposed Parcel 1: a rezoning from “A” Agricultural District to “B-2” Retail Business District and a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat. Petitioner further requests for Proposed Parcel 1 that if the request for rezoning to “B-2” Retail Business District is deemed inappropriate that a Use Variance be granted in accordance with Chapter 17.68; and a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).**
- 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** is in the public interest and is not solely in the interest of the petitioner(s), **but in the alternative, does** support the proposition that the adoption of a **Use Variance in the “A” Agricultural District to allow an agricultural sales and service business on Proposed Parcel 1; a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres).**

IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the requested **rezoning** be **denied, but in the alternative, a Use Variance and variances be approved.**

*Charlie Chimento*  
 CHAIRMAN



MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Charlie Chimento**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied, but in the alternative, grant a Use Variance in the "A" Agricultural District to allow an agricultural sales and service business on Proposed Parcel 1; a variance to allow the parking and access way to remain unpaved (rock) instead of the required bituminous seal coat; and, a variance to allow one (1) parcel less than forty (40) acres (approximately 5 acres)** which was duly seconded by **JD Sudeth**.

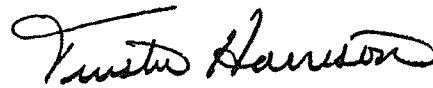
The vote of the Board was as follows:

YES:           **Charlie Chimento, Tony Mares, Andrew Spiro, Gina Lathan, JD Sudeth**

NO:

PRESENT:

ABSENT:   **Don Wulf**



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RECORDING SECRETARY

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**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2018-030**

Address: **3000 Block of Curran Road, New Berlin**

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

**North & East – Residences & cropland. South – I-72 & cropland. West – Cropland.**

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

**North – R-1 & Agricultural. 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 192 indicates the property is suitable for agricultural use only. Granting B-2 zoning would be considered spot zoning.**

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

**The area consists of cropland with groups of residences located north of the subject property. In 1997, property directly north of the subject property was rezoned from R-1 to A with a CPU for a riding stable. In 1994, property east of the subject property was granted a variance for no road frontage. In 1993, property directly northeast of the subject property was rezoned from A to R-1.**

## RECOMMENDED STANDARDS FOR USE VARIATIONS

Case #: 2018-030

Address: 3000 Block of Curran Road, New Berlin

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.

**The proposed use of Proposed Parcel 1 is an agricultural sales and service business. Rezoning the property to B-2 is considered to be spot zoning and inappropriate for the surrounding area. The proposed use is ancillary to the agricultural industry making it reasonable that such a business would be located in a more rural area as opposed to being located on a commercially zoned property in an urbanized area.**

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

**The area consists of cropland with groups of residences located north of the subject property. In this case, the proposed use of the new parcel is one that is ancillary to crop production.**

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

**The proposed use will be of benefit to the agricultural community.**

- (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.

**Negative impacts are not anticipated.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-030**

Address: **3000 Block of Curran Road, New Berlin**

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 nature of the agricultural sales and service use would have farm equipment on site which would cause additional damage to the paving resulting in a potentially reduced yield of reasonable return.**

**As staff has recommended denial of the requested rezoning but recommended approval of the use variance, the variance to allow one parcel less than 40 acres will bring the proposed parcel into compliance.**

- (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 proposed use on the subject property serves the agricultural community, which agricultural uses, by their nature, are not required to pave. The petitioner also notes that farm equipment would tear up the asphalt.**

- (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 # 21-16-100-014

Zoning Case # 2018-030

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

**Available  
Points                  Points**

<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
<b>90% or more</b>	<b>20</b>	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	<b>5</b>
<b>50-74%</b>	<b>5</b>	
Under 50%	0	

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
<b>75-100%</b>	<b>10</b>	<b>10</b>
50-74%	5	
Under 50%	0	

<u>COUNTY SECTOR</u>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	

<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
<b>75% or more</b>	<b>20</b>	<b>20</b>
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	

<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	<b>0</b>
Little or none with protective measures	5	
<b>Little or none</b>	<b>0</b>	

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

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
<b>16'-18' pavement, 40' ROW</b>	<b>15</b>	<b>15</b>
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

<b>Not available</b>	<b>15</b>	
Sewer over 600'-1200' away	8	<b>15</b>
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	
1,000-1,500' away	15	<b>0</b>
Less than 1,000' away	5	
<b>Public water available at site</b>	<b>0</b>	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	<b>5</b>
<b>2.6-5 miles</b>	<b>5</b>	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	
15-30 minutes	5	<b>0</b>
<b>Less than 15 minutes</b>	<b>0</b>	

**SITE ASSESSMENT TOTAL****100**

845

**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	<b>52</b>	100	<b>52</b>
7148A	Proctor	P		100	
46A	Herrick	P		100	
7037A	Worthen	P		100	
705A	Buckhart	P	<b>26</b>	98	<b>25</b>
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	<b>17</b>	87	<b>15</b>
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		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	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	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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>92</b>
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<b>GRAND TOTAL</b>	<b>192</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.