

County Board amended the Resolution and approved the rezoning and front yard setback variance.

CASE# 2019-023  
RESOLUTION NUMBER 8-1

**GRANTING AN AMENDMENT AND DENYING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**1157 GEARY ROAD, CANTRALL**  
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 deny a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Tony L. Grissom**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure;** 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 **grant an amendment and deny a variance;** and,

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

**FILED**

JUN 26 2019

*Don Khay*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> Day of July, 2019 that the request for a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District is hereby approved; but, the request for a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure on the above described property is hereby denied.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> 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

The County Board made a motion to amend Resolution 8 rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and to approve the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure.

**ATTEST:**

  
SANGAMON COUNTY CLERK

  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

Part of the Southeast Quarter of the Southeast Quarter of Section 20, Township 17 North, Range 5 West of the Third Principal Meridian, described as follows:

Commencing at a drill hole marking the Southwest corner of said Southeast Quarter of the Southeast Quarter, thence South 90 degrees 00 minutes East, 440.96 feet along the South line of said Southeast Quarter of the Southeast Quarter to a set iron pin marking the point of beginning; thence North 00 degrees 00 minutes West 260.60 feet to a set iron pin; thence South 78 degrees 33 minutes 45 seconds East 183.32 feet to a set iron pin; thence South 00 degrees 00 minutes East 224.25 feet to a set iron pin on the South line of said Southeast Quarter of the Southeast Quarter; thence North 90 degrees 00 minutes West, 179.68 feet to the point of beginning.

Except all coal, minerals and mining rights. Situated in Sangamon County, Illinois.

Parcel Number: 06-20.0-400-006

8-4

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: Mike Sullivan

DOCKET NUMBER: 2019-023

ADDRESS: 1157 Geary Road, Cantrall, IL 62625

PETITIONER: Tony L. Grissom

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District and a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure.

AREA: 1 acre

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning. The LESA score of 180 indicates the property is suitable for agricultural use only. However, the area has a rural residential trend and the subject property contains a residence and is only one acre, which makes it highly unlikely the subject property could be economically converted to cropland.**

**Recommend denial of the requested front yard setback variance. Floodplain being located on the subject property is not a unique circumstance for the area since approximately seven other parcels in the area contain large amounts of floodplain covering the parcels. Further, most of the residence and part of the proposed accessory structure are in the mapped floodplain according to the site plan submitted with the petition. No other unique circumstances to the subject**

property were mentioned in the petition. The Standards for Variation are not met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Staff Recommendation.**

  
RECORDING SECRETARY

8-6

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2019-023</b>
<b>Tony L. Grissom</b> )	
)	PROPERTY LOCATED AT:
)	<b>1157 Geary Road</b>
)	<b>Cantrall, IL 62625</b>

RECOMMENDATION OF THE BOARD OF APPEALS

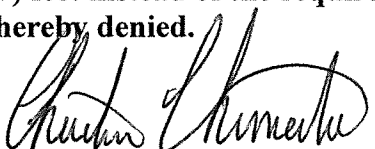
THIS MATTER, Coming on for a hearing before the Sangamon County Zoning Board of Appeals of Sangamon County, Illinois, and it appearing to said Board that a petition for an **amendment and variance** of the Zoning Regulations of said County has been filed herein by the above captioned petitioner (s); that legal publication has been made pursuant to law; and that a public hearing was held on **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: **1157 Geary Road, Cantrall, IL 62625** 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.**
- 5. That the proposed land use of said property is a **single-family residence and detached garage.**
- 6. That the requested **rezoning and variance** of said property is a **rezoning from “A” Agricultural District to “R-1” Single-Family Residence District and a variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure.**
- 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 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 not** support the proposition that the adoption of the proposed **variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure** 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 approved; but, the requested variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure is hereby denied.**

  
 \_\_\_\_\_  
 CHAIRMAN *AC*

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Larry Beaty**, 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 approved; but, the variance to allow the front yard setback to be approximately seven (7) feet instead of the required thirty (30) feet for the purposes of constructing an accessory structure is hereby denied** which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

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

NO: **Andrew Spiro**

PRESENT:

ABSENT:

  
RECORDING SECRETARY



**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-023**

Address: **1157 Geary Road, Cantrall**

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

**North, East, & South – Residences. West – Timber.**

- (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 180 indicates the property is suitable for agricultural use only. However, the area has a rural residential trend and the subject property contains a residence and is only one acre, which makes it highly unlikely the subject property could be economically converted to cropland.**

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

**The area has a rural residential trend.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-023**

Address: **1157 Geary Road, Cantrall**

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 subject property can continue to be used economically as a residence without the requested variance.**

- (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.

**Floodplain being located on the subject property is not a unique circumstance for the area since approximately seven other parcels in the area contain large amounts of floodplain covering the parcels. Further, most of the residence and part of the proposed accessory structure are in the mapped floodplain according to the site plan submitted with the petition. No other unique circumstances to the subject property were mentioned in the petition.**

- (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.

**Visibility issues from allowing an accessory structure in the required front yard could result in negative effects on the character of the area.**

8-11

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
<b>75-89%</b>	<b>10</b>	<b>10</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
90% or more	20	
75-89%	10	
50-74%	5	<b>0</b>
<b>Under 50%</b>	<b>0</b>	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
75-100%	10	
50-74%	5	<b>0</b>
<b>Under 50%</b>	<b>0</b>	
<b><u>COUNTY SECTOR</u></b>		
<b>Rural</b>	<b>20</b>	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
<b>75% or more</b>	<b>20</b>	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
<b>Negative impact</b>	<b>15</b>	
Little or none with protective measures	5	<b>15</b>
Little or none	0	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	
<b>No impact</b>	<b>0</b>	<b>0</b>

<u>CONDITION OF ROAD</u>		
<b>unpaved, &lt;40' ROW, or &lt; 16' pavement</b>	<b>20</b>	
16'-18' pavement, 40' ROW	15	<b>20</b>
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<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	

<u>AVAILABILITY OF PUBLIC WATER</u>		
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>	

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
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	

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

<b>SITE ASSESSMENT TOTAL</b>		<b>105</b>
------------------------------	--	------------

<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	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	72	75	54
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	28	74	21
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>75</b>
---	-----------

<b>GRAND TOTAL</b>	<b>180</b>
--------------------	------------

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.