

**DENYING A REZONING AND VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
2635 HILLTOP 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 **deny a rezoning and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioners, **Charles & Brandi Klughart**, have petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal; a variance of Section 17.28.010 to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat; and,**

WHEREAS, a public hearing was held via Zoom on **February 18, 2021** 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 a rezoning and variances; and,**

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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 **9<sup>th</sup> Day of March, 2021** that the following request(s) on the above described property are hereby denied:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal;
- Pursuant to Chapter 17.66, a variance of Section 17.28.010 to allow a single-family residence in an “I-1” Restricted Industrial District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

Signed and passed by the Sangamon County Board in session on this **9<sup>th</sup> day of March, 2021.**

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

**EXHIBIT A**

Part of the Northwest Quarter of the Northeast Quarter of Section 7, Township 15 North, Range 4 West of the Third Principal Meridian, described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 7, thence South on the Quarter Quarter Section line 170.16 feet to the point of beginning; thence continuing South on the Quarter Quarter Section line 190.31 feet; thence West parallel with the North line of said Section 7, 640 feet; thence North parallel to the Quarter Quarter Section line 190.31 feet; thence East parallel to the North line of said Section 7, 640 feet to the point of beginning.

Parcel Number: 23-07.0-200-064.

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**RECAP**  
(For County Board Use)

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

DOCKET NUMBER: 2021-009

ADDRESS: 2635 Hilltop Road, Springfield, IL 62712

PETITIONER: Charles & Brandi Klughart

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.28, a rezoning from "A" Agricultural District to "I-1" Restricted Industrial District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal; a variance of Section 17.28.010 to allow a single-family residence in an "I-1" Restricted Industrial District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

AREA: 2.8 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend denial.** The LESA score of 130 indicates the property is acceptable for non-agricultural development. However, I-1 is considered to be inappropriate spot zoning and the list of uses is deemed too intense. The subject property is located in an area consisting of rural residential homes, and is located within 1,000 feet from the City of Springfield city limits. The petitioner did not provide enough evidence proving the proposed use would not have a negative effect on the area to justify a Use Variance. As staff has recommended denial of the I-1 Zoning District, addressing the variance requests is unnecessary.

SANGAMON COUNTY ZONING 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: <b>2021-009</b>
<b>Charles &amp; Brandi Klughart</b> )	
)	PROPERTY LOCATED AT:
)	<b>2635 Hilltop Road</b>
)	<b>Springfield, IL 62712</b>

RECOMMENDATION OF THE ZONING 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 a **rezoning 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 **February 18, 2021** 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: **2635 Hilltop 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 **Single-family residence**.
5. That the proposed land use of said property is **Single-family residence with an HVAC business and snow removal**.
6. That the request(s) for the subject property are **pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal; a variance of Section 17.28.010 to allow a single-family residence in an “I-1” Restricted Industrial District; and, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat**.
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 and variances** are 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 following request(s) are **hereby denied**:

- **Pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District;**
- **Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal;**
- **Pursuant to Chapter 17.66, a variance of Section 17.28.010 to allow a single-family residence in an “I-1” Restricted Industrial District; and,**
- **Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.**

  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **JD Sudeth**, which was duly seconded by **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby denied**:

- Pursuant to Chapters 17.68 and 17.28, a rezoning from “A” Agricultural District to “I-1” Restricted Industrial District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot) to allow three (3) principal uses on one (1) parcel: (1) single-family residence, (2) HVAC business, and (3) snow removal;
- Pursuant to Chapter 17.66, a variance of Section 17.28.010 to allow a single-family residence in an “I-1” Restricted Industrial District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.50.060(A) to allow the parking to remain unpaved (rock/grass) instead of the required bituminous seal coat.

The vote of the Board was as follows:

YES:           **Charlie Chimento, Tony Mares, Don Wulf, JD Sudeth**

NO:

PRESENT:

ABSENT:      **Andrew Spiro**



RECORDING SECRETARY

**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

Case #: **2021-009**

Address: **2635 Hilltop Road, Springfield**

- (i) Existing uses of property within the general area of the property in question.  
**North, East, & South – Residence. West – 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 130 indicates the property is acceptable for non-agricultural development. However, I-1 is considered to be inappropriate spot zoning and the list of uses is deemed too intense.**

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

**This area along Hilltop Road is located in an area consisting of rural residential homes, and is located within 1,000 feet of the City of Springfield city limits. Two parcels located off of Hilltop Road near IL-29 were rezoned for business uses in 2019 and 2004.**



**SANGAMON COUNTY  
RECOMMENDED STANDARDS FOR USE VARIATIONS  
(USE VARIANCE & MULTIPLE USES)**

Case #: **2021-009**

Address: **2635 Hilltop Road, Springfield**

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.

**As the variances depend on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

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

**As the variances depend on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

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

**As the variances depend on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

- (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.

**As the variances depend on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-009**

Address: **2635 Hilltop Road, 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.

**As the variance depends on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

- (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.

**As the variance depends on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

- (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.

**As the variance depends on the rezoning to the I-1 Zoning District that is recommended for denial, this standard does not apply.**

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**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>		
Rural	20	
<b>0.5 mile from incorporated area</b>	<b>10</b>	<b>10</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
75% or more	20	
50-74%	10	
25-49%	5	<b>0</b>
<b>Less than 25% or sewer available</b>	<b>0</b>	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
<b>Little or none</b>	<b>0</b>	
<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>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	<b>0</b>
18'-20' pavement, 40' ROW	10	
<b>&gt; 20' pavement, 40' ROW or County or State Highway</b>	<b>0</b>	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
<b>Not available</b>	<b>15</b>	<b>15</b>
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	<b>0</b>
1,000-1,500' away	15	
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	<b>5</b>
More than 5 miles or fire protection by assignment	10	
<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	<b>0</b>
15-30 minutes	5	
<b>Less than 15 minutes</b>	<b>0</b>	

<b>SITE ASSESSMENT TOTAL</b>	<b>40</b>
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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	<b>24</b>	100	<b>24</b>
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	76
684B	Broadwell	P	87	66
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	

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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>90</b>
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<b>GRAND TOTAL</b>	<b>130</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.