

**GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3061 & 3065 & 3077 WINCH 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 **grant 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, **Thomas & Lori Everhart**, have petitioned the Sangamon County Board requesting **pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District and “R-2” Single-Family and Two-Family Residence District to “R-1” Single-Family Residence District; and, for Proposed Parcels 2 and 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 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 **grant a rezoning and variances; and,**

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

FILED

MAY 26 2021


Sangamon County Clerk

8-2

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **8th Day of June, 2021** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District and “R-2” Single-Family and Two-Family Residence District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **8th day of June, 2021**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Tract I

Part of the Southeast Quarter of the Southwest Quarter of Section 7, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: From the Southwest corner of the Southwest Quarter of said Section 7, West on the South line of said Section 7, 418.00 feet to the point of beginning; thence West on the South line of said Section 7, 103.97 feet; thence North parallel with the East line of the Southwest Quarter of said Section 7, 523.40 feet; thence East parallel with the South line of Section 7, 103.97 feet; thence South parallel to the East line of the Southwest Quarter of said Section 7, 105.40 feet; thence East parallel with the South line of said Section 7, 103.00 feet; thence South parallel with the East line of the Southwest Quarter of said Section 7, 209.00 feet; thence West parallel with the South line of said Section 7, 103.00 feet; thence South parallel with the East line of the Southwest Quarter of said Section 7, 209.00 feet to the point of beginning, containing 1.74 acres, more or less.

Also an easement, 30.00 feet wide, described as follows: Beginning at a point 315.00 feet West and 418.00 feet North of the Southeast corner of the Southwest Quarter of said Section 7; thence West parallel with the South line of said Section 7, 30.00 feet; thence North parallel with the East line of the Southwest Quarter of said Section 7, 105.40 feet; thence East parallel with the South line of said Section 7, 30.00 feet; thence South parallel to the East line of the Southwest Quarter of said Section 7, 105.40 feet to the point of beginning.

Also, the right to use an easement, 30.00 feet wide, described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 7, Township 16 North, Range 5 West of the Third Principal Meridian, bounded and described as follows: Beginning at a point in Winch Road a distance of 795 feet South of a stone at the Northeast corner of said Southeast Quarter of the Southwest Quarter of Section 7; thence South 30 feet; thence West 418 feet; thence North 30 feet; thence East 418 feet to the place of beginning, said tract being a uniform width of 30 feet.

Tract II

Part of the Southeast Quarter of the Southwest Quarter of Section 7, Township 16 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows: Beginning at a point on the East line of said Quarter Quarter Section 418.00 feet North of the Southeast corner of said Quarter Quarter Section; thence West 315 feet parallel to the South line of said Quarter Quarter Section; to the point of beginning; thence North parallel to the East line of said Quarter Quarter Section 105.40 feet; thence West parallel to the South line of said Quarter Quarter Section 103.00 feet; thence South parallel to the East line of said Quarter Quarter Section 105.40 feet; thence East parallel to the South line of said Quarter Quarter Section 103.00 feet to the point of beginning, containing 0.18 acres, more or less.

Situated in Sangamon County, Illinois.

Parcel Numbers: 14-07.0-377-033 and 14-07.0-377-042.

TRACT 1

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION, THENCE NORTH 208.70 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 08 MINUTES 54 SECONDS WEST 30.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 08 MINUTES 54 SECONDS WEST 387.40 FEET TO AN IRON PIN, THENCE SOUTH 104.35 FEET TO AN IRON PIN, THENCE SOUTH 89 DEGREES 08 MINUTES 54 SECONDS EAST 387.40 FEET TO AN IRON PIN, THENCE NORTH 104.35 FEET TO THE POINT OF BEGINNING, CONTAINING 0.93 ACRES, MORE OR LESS

TRACT 2

PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT AN IRON PIPE AT THE SOUTHEAST CORNER OF SAID QUARTER QUARTER SECTION, THENCE NORTH 89 DEGREES 08 MINUTES 54 SECONDS WEST 40.00 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89 DEGREES 08 MINUTES 54 SECONDS WEST 377.40 FEET TO AN IRON PIN, THENCE NORTH 104.35 FEET TO AN IRON PIN, THENCE SOUTH 89 DEGREES 08 MINUTES 54 SECONDS EAST 377.40 FEET, THENCE SOUTH 104.35 FEET TO THE POINT OF BEGINNING, CONTAINING 0.91 ACRES, MORE OR LESS

PARCEL NUMBERS: 14-07.0-377-044 AND 14-07.0-377-045.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 11 NAME: James Schackmann

DOCKET NUMBER: 2021-022

ADDRESS: 3061 & 3065 & 3077 Winch Road, Springfield, IL 62707

PETITIONER: Thomas & Lori Everhart

PRESENT ZONING CLASSIFICATION: "A" Agricultural District, "R-1" Single-Family Residence District, "R-2" Single-Family and Two-Family Residence District.

REQUESTED ZONING CLASSIFICATION: Pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District and "R-2" Single-Family and Two-Family Residence District to "R-1" Single-Family Residence District; and, for Proposed Parcels 2 and 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

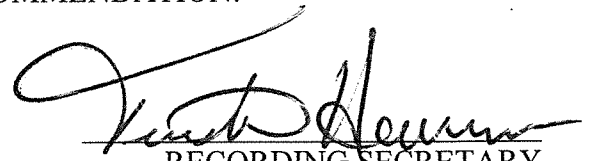
AREA: 3.9 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The LESA score of 160 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property is already developed with single-family residences and is located in a rural residential area. Reconfiguring the existing parcels on the subject property will allow Proposed Parcel 2 and Proposed Parcel 3 to be greater than one acre. While parcels -044 and -045 were previously granted lot-width-depth variances, the lot-width-depth ratio is being increased which makes the proposed variances necessary to bring Proposed Parcel 2 and Proposed Parcel 3 into compliance. The Standards for Variation are met.

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: 2021-022
Thomas & Lori Everhart)	
)	PROPERTY LOCATED AT:
)	3061 & 3065 & 3077 Winch Road
)	Springfield, IL 62707

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 **May 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: **3061 & 3065 & 3077 Winch Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

3. That the present zoning of said property is **“A” Agricultural District, “R-1” Single-Family Residence District and “R-2” Single-Family and Two-Family Residence District.**
4. That the present land use of said property is:
Proposed Parcel 1: Single-family residence with an accessory structure and timber.
Proposed Parcel 2: Single-family residence with an accessory structure and timber.
Proposed Parcel 3: Single-family residence with an accessory structure and timber.
5. That the proposed land use of said property is:
Proposed Parcel 1: Single-family residence with an accessory structure and timber.
Proposed Parcel 2: Single-family residence with an accessory structure and timber.
Proposed Parcel 3: Single-family residence with an accessory structure and timber.
6. That the request(s) for the subject property **are pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District and “R-2” Single-Family and Two-Family Residence District to “R-1” Single-Family Residence District; and, for Proposed Parcels 2 and 3: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) 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 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 approved:**

For Proposed Parcel 1:

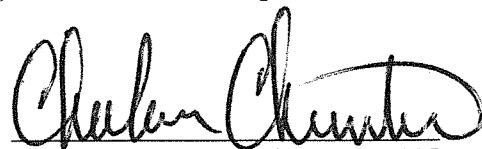
- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District and “R-2” Single-Family and Two-Family Residence District to “R-1” Single-Family Residence District;**

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; and,**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; and,**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.


 CHAIRMAN



MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, which was duly seconded by **Tony Mares**, 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 approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District and “R-2” Single-Family and Two-Family Residence District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,

For Proposed Parcel 3:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2021-022

Address: 3061, 3065, & 3077 Winch Road, Springfield

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

North – Residence and duplex. East & West – Residence. South – Cropland and timber.

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

North & West – Agricultural. East & South – Agricultural and R-2.

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

The LESA score of 160 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property is already developed with single-family residences and is located in a rural residential area.

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

The area has a rural residential trend. In 2005, parcels -044 and -045 of the subject property were granted R-1 and variances to allow the lot depth to exceed 2.5 times the lot width and to allow the lot areas to be less than 1 acre. In 1983, a portion of the subject property was granted variances for the lot width and road frontage requirements. In 1972, a portion of the subject property was granted R-2. In 2005, variances were granted for the lot area, front yard setback, and side yard setback southwest of the subject property. In 1985, variances were granted for the road frontage, front yard setback, and side yard setback west of the subject property. In 1982, a variance was granted to allow a manufactured home and a single-family residence on the same parcel north of the subject property. In 1972, R-2 was granted southwest of the subject property. In 1971, R-2 was granted south of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-022**

Address: **3061, 3065, & 3077 Winch 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.

Reconfiguring the existing parcels on the subject property will allow Proposed Parcel 2 and Proposed Parcel 3 to be greater than one acre. While parcels -044 and -045 were previously granted lot-width-depth variances, the lot-width-depth ratio is being increased which makes the proposed variances necessary to bring Proposed Parcel 2 and Proposed Parcel 3 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.

Parcels -044 and -045 were granted lot-width-depth variances in Zoning Case #2005-006, and while the proposed reconfiguration will increase the lot-width-depth ratio, the reconfiguration will also allow the lot area for Proposed Parcel 2 and Proposed Parcel 3 to be greater than one acre.

- (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	10
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	5
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	
Under 50%	0	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	
Little or none	0	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	0

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	5
0-2.5 miles	0	

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

SITE ASSESSMENT TOTAL		85
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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		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		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	30	75	23
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	19	74	14
259D2	Assumption	I		74	
212C2	Thebes	I	41	74	30
630C2	Navlys	I	11	74	8
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	75
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GRAND TOTAL	160
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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.