

FILED

CASE#2021-043
RESOLUTION NUMBER 8-1

DEC 23 2021

Don Whay
Sangamon County Clerk

**GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
11420 SALISBURY 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 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, **Josh and Kristina Waggoner**, have petitioned the Sangamon County Board requesting for **Proposed Parcel 1: 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 Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 16, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **11th Day of January, 2022** 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 to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 acres).

Signed and passed by the Sangamon County Board in session on this **11th day of January, 2022.**

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

Part of the West Half of the Southeast Quarter of Section 27, Township 17 North, Range 7 West of the Third Principal Meridian, described more particularly as follows: From a stone at the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 27, North 435 feet to a point, thence North 63 degrees East 19.5 feet to the center of a public highway, thence Southeast along the center line of said public highway, a distance of 33 feet to the point of beginning, said point of beginning being where the center line of the public highway crosses the center line of State Aid Route No. 21, from said point of beginning, following the center line of State Aid Route No 21 Easterly along a curve line curving to the right and having a radius of 764.5 feet for a distance of 665.7 feet, thence East 7 degrees 30 minutes South for a distance of 674.9 feet, thence South along the Quarter Quarter Section line for a distance of 770 feet to the center of Penny's Branch, thence in a Northwesterly direction along the water course of said Penny's Branch to the center of the public highway, thence Northwesterly along the center line of said public highway for a distance of 231 feet to the point of beginning.

Parcel Number: 04-27.0-400-004.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2021-043

ADDRESS: 11420 Salisbury Road, Pleasant Plains, IL 62677

PETITIONER: Josh and Kristina Waggoner

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: 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 Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the "R-1" Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 acres).

AREA: 16.3 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The LESA score of 194 indicates the subject property is suitable for agricultural use only. However, the relatively small size (approximately 2.5 acres), the sloping topography, and the rural residential trend make residential zoning appropriate for Proposed Parcel 1. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of one of the accessory structures on the subject property and accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variance to allow one parcel less than 40 acres is necessary for the split. 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: **2021-043**
Josh & Kristina Waggoner)
)
) PROPERTY LOCATED AT:
) **11420 Salisbury Road**
) **Pleasant Plains, IL 62677**

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 **December 16, 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: **11420 Salisbury 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 **Single-family residence and outbuilding.**
5. That the proposed land use of said property is:
Proposed Parcel 1: Single-family residence and outbuilding.
Proposed Parcel 2: Single-family residence and outbuilding.
6. That the request(s) for the subject property are for **Proposed Parcel 1: 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 Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 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** 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 to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 acres).


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the “R-1” Single-Family Residence District; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 13 acres).

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2021-043**

Address: **11420 Salisbury Road, Pleasant Plains**

- (i) Existing uses of property within the general area of the property in question.
North – Cropland. East & South – Residence. West – Residence and cemetery.
- (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 194 indicates the subject property is suitable for agricultural use only. However, the relatively small size (approximately 2.5 acres), the sloping topography, and the rural residential trend make residential zoning appropriate for Proposed Parcel 1.

- (iv) The trend of development, within the vicinity since the property was originally classified.
The trend of development is agricultural with some rural residences in the area. In 2011, R-1 and a variance was granted northeast of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2021-043**

Address: **11420 Salisbury Road, Pleasant Plains**

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.

Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of one of the accessory structures on the subject property and accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variance to allow one parcel less than 40 acres is necessary for the split.

- (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.

Other parcels in the area are zoned Agricultural, which has no height restrictions. The subject property is currently under 40 acres and due to the division of the subject property the variance is necessary to bring Proposed Parcel 2 into compliance.

- (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	20
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	10
50-74%	5	
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	20
0.5 mile from incorporated area	10	
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	20
50-74%	10	
25-49%	5	
Less than 25% or sewer available	0	
<u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u>		
Negative impact	15	0
Little or none with protective measures	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	
16'-18' pavement, 40' ROW	15	20
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	
Sewer over 600'-1200' away	8	15
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	0
Less than 1,000' away	5	
Public water available at site	0	

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

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

SITE ASSESSMENT TOTAL		120
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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	Oscos	P	15	87	13
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		87	
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		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	Oscos	I	0	74	
36C2	Tama	I		74	
684C2	Broadwell	I		74	
119C2	Elco	I	36	74	27
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	0	74	
567C2	Elkhart	I	1	74	1
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		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

AGRICULTURAL LAND EVALUATION TOTAL	74
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GRAND TOTAL	194
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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.