

CASE# 2013-045
RESOLUTION NUMBER 9-1

GRANTING THE REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4320 SAGE RD., ROCHESTER
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Gary Cooper**, has petitioned the Sangamon County Board for **proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width. Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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 the rezoning and variances**; and

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

FILED

OCT 30 2013

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATT

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Northwest Quarter of Section 32, Township 15 North, Range 4 West of the Third Principal Meridian; described more particularly as follows:

Commencing at a stone marking the Northwest corner of the Southeast Quarter of the Northwest Quarter of the aforementioned Section 32, thence East along the Quarter Quarter section line a distance of 328.80 feet to an iron pipe marking the true point of beginning, thence East along the Quarter Quarter section line a distance of 328.79 feet to an iron pipe, thence South 2 degrees 18 minutes 19 seconds East a distance of 1316.91 feet to an iron pipe on the Quarter section line, thence West along the Quarter section line a distance of 328.81 feet to an iron pipe, thence North 2 degrees 18 minutes 16 seconds West a distance of 1316.91 feet to the true point of beginning.

Except that part described as follows:

Part of the Southeast Quarter of the Northwest Quarter of Section 32, Township 15 North, Range 4 West of the Third Principal Meridian; described more particularly as follows:

Commencing at a stone marking the Southwest corner of the Southeast Quarter of the Northwest Quarter of the aforementioned Section 32, thence South 89 degrees 59 minutes 10 seconds East along the Quarter section line a distance of 328.81 feet to an iron pipe marking the true point of beginning, thence North 02 degrees 18 minutes 16 seconds West a distance of 662.96 feet to an iron pipe, thence South 89 degrees 59 minutes 10 seconds East a distance of 328.80 feet to an iron pipe, thence South 02 degrees 18 minutes 19 seconds East a distance of 662.96 feet to a subdivision monument on the Quarter section line, thence North 89 degrees 59 minutes 10 seconds West along the Quarter section line a distance of 328.81 feet to the true point of beginning.

Except all coal and other minerals underlying said lands, together with the right to mine and remove same.

Situated in Sangamon County, Illinois.

94

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2013-045

ADDRESS: 4320 Sage Rd., Rochester, IL. 62563

PETITIONER: Gary Cooper

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width. Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

AREA: 4.93 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested R-1 zoning. The Land Evaluation and Site Assessment score of 147 indicates the property is deemed acceptable for non-agricultural development. Recommend approval of the requested variances. The standards for variation are met. There are no anticipated negative impacts in allowing the division of the subject property.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-045**
Gary Cooper)
)
) PROPERTY LOCATED AT:
) **4320 Sage Rd.**
) **Rochester, IL. 62563**

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 **October 17, 2013** 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: **4320 Sage Rd., Rochester, IL.** and more particularly described as:

See **EXHIBIT A**

9-6

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, out buildings and cropland.
5. That the proposed land use of said property is a single-family residence, out buildings and create a new building site.
6. That the requested rezoning and variances of said property are for proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres and a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width and for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 1/2) 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 requested **rezoning and variances** be **approved**.

Charles Chimento /cx

CHAIRMAN

MINUTES OF THE

SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **approved**, which was duly seconded by **Judith Johnson**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles

 RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-045

Address: 4320 Sage Road, Rochester

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

To the north, east and west are single-family residences. To the south is cropland.

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

The property is surrounded by Agricultural zoning.

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

The Land Evaluation and Site Assessment score of 147 indicates the property is deemed acceptable for non-agricultural development.

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

The area has remained stable with the construction of many single-family residences.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-045

Address: 4320 Sage Road, Rochester

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 request is made to divide the property so a portion can be sold for a new building site, which could yield a reasonable return on the portion of the property that is vacant.

- (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 subject property includes cropland that fronts Sage Road, which is unique in that most parcels developed with single-family residences in the area contain cropland, if any, in the rear of the property.

- (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.

No negative impact is anticipated in allowing the division.

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	5
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	5
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	10
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	
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	0
Little or none	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	0
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	15
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	20
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

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

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

SITE ASSESSMENT TOTAL	65
------------------------------	-----------

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		87	
684B	Broadwell	P		87	
50A	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	

911

Parcel # 23-32-100-017

Zoning Case # 2013-045

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	85	87	74
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	10	75	8
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		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				

912

Parcel # 23-32-100-017

Zoning Case # 2013-045

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	82
------------------------------------	----

GRAND TOTAL	147
-------------	-----

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.