

CASE # 2007-40
RESOLUTION NUMBER 14-1

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
691 ETHERTON LANE, SPRINGFIELD, ILLINOIS
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Charles K. Chadwell and Nancy D. Browne**, have petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R1" Single Family Residence District and a variance to allow the lot depth to exceed two and one-half times the lot width for one parcel**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2007**, 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 variance**; and

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

FILED

JUN 29 2007

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of July, 2007 that the request to rezone the above described property from "A" Agricultural District to "R1" Single Family Residence District with a variance to allow the lot depth to exceed 2 ½ time the lot width for one parcel is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of July, 2007.

Respectfully submitted,

PUBLIC HEALTH, SAFETY & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD

TIM MOORE, CHAIRMAN

abe forsyth

ABE FORSYTH, VICE CHAIRMAN

BILL MOSS

SAM SNELL

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe Quillo

SANGAMON COUNTY CLERK

A. V. Miller

COUNTY BOARD CHAIRMAN

EXHIBIT A

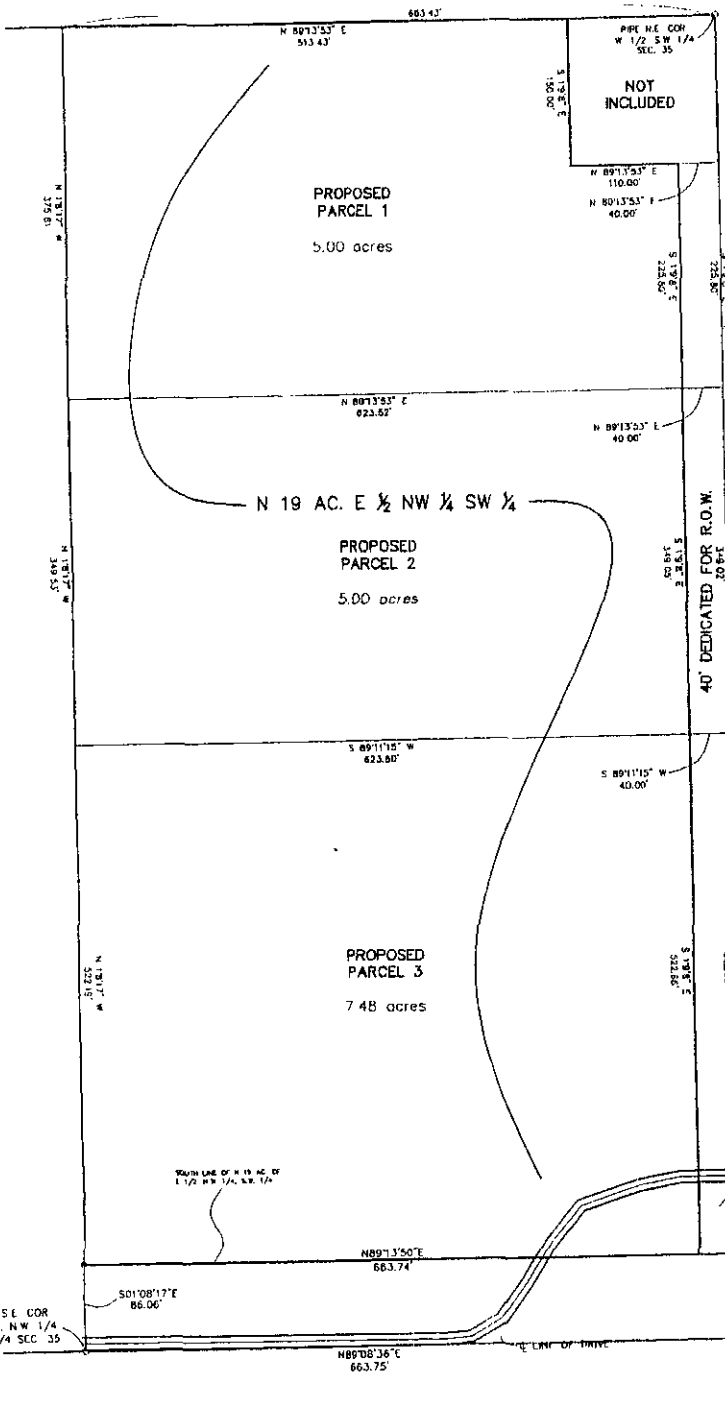
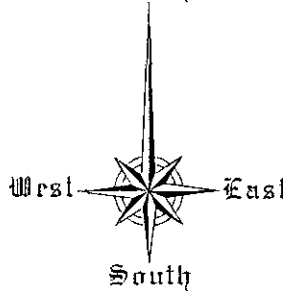
The North 19 acres of the East Half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian. EXCEPT part of the Northwest Quarter of the Southwest Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian, more particularly described as follows: Beginning at a pipe found marking the Northeast corner of the Northwest Quarter of the Southwest Quarter of the aforesaid Section 35; thence South 0 degrees 00 minutes 00 seconds West along the East line of said Quarter Quarter Section, 150.00 feet to a set iron pin; thence North 89 degrees 33 minutes 38 seconds West, 150.00 feet to a set iron pin; thence 0 degrees 00 minutes 00 seconds East, 150.00 feet to an iron pin set on the North line of the aforesaid Quarter Quarter Section; thence South 89 degrees 33 minutes 38 seconds East along said North line, 150.00 feet to the point of beginning. Situated in Sangamon County, Illinois.

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PARCEL SKETCH

THE NORTH 19 AC. OF EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SEC. 35, T16N, R4W OF THE 3rd P.M., SANGAMON COUNTY, ILLINOIS.

North



1/4 SEC. LINE & APPROX. E

40' DEDICATED FOR R.O.W. ETHERTON ROAD

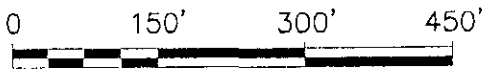
South Line of N 19 AC. of E 1/2 NW 1/4 SW 1/4

PIPE S.E. COR. W 1/2, NW 1/4 S.W. 1/4 SEC. 35

PIPE N.E. COR. S.E. COR., N.W. 1/4 S.W. 1/4 SEC. 35

- STONE
- IRON PIN
- IRON PIPE
- ▲— P.K. NAIL

SCALE 1" = 150'-0"



May, 2007

RAYNOLDS, HIGGINBOTHAM & JACOBS, L.L.C.
 LAND SURVEYING, PLANNING & ENGINEERING
 1025 South Second St., Springfield, IL 62704
 (217) 241-3500

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14-5

15-35
100-003

15-35
100-008

15-35
100-009

2007-40 Chadwell

SUBJECT
PARCEL

15-35
300-027

15-35
300-012

15-35
300-029

15-35
300-026

15-35
300-009

15-35
300-030

15-35
300-019

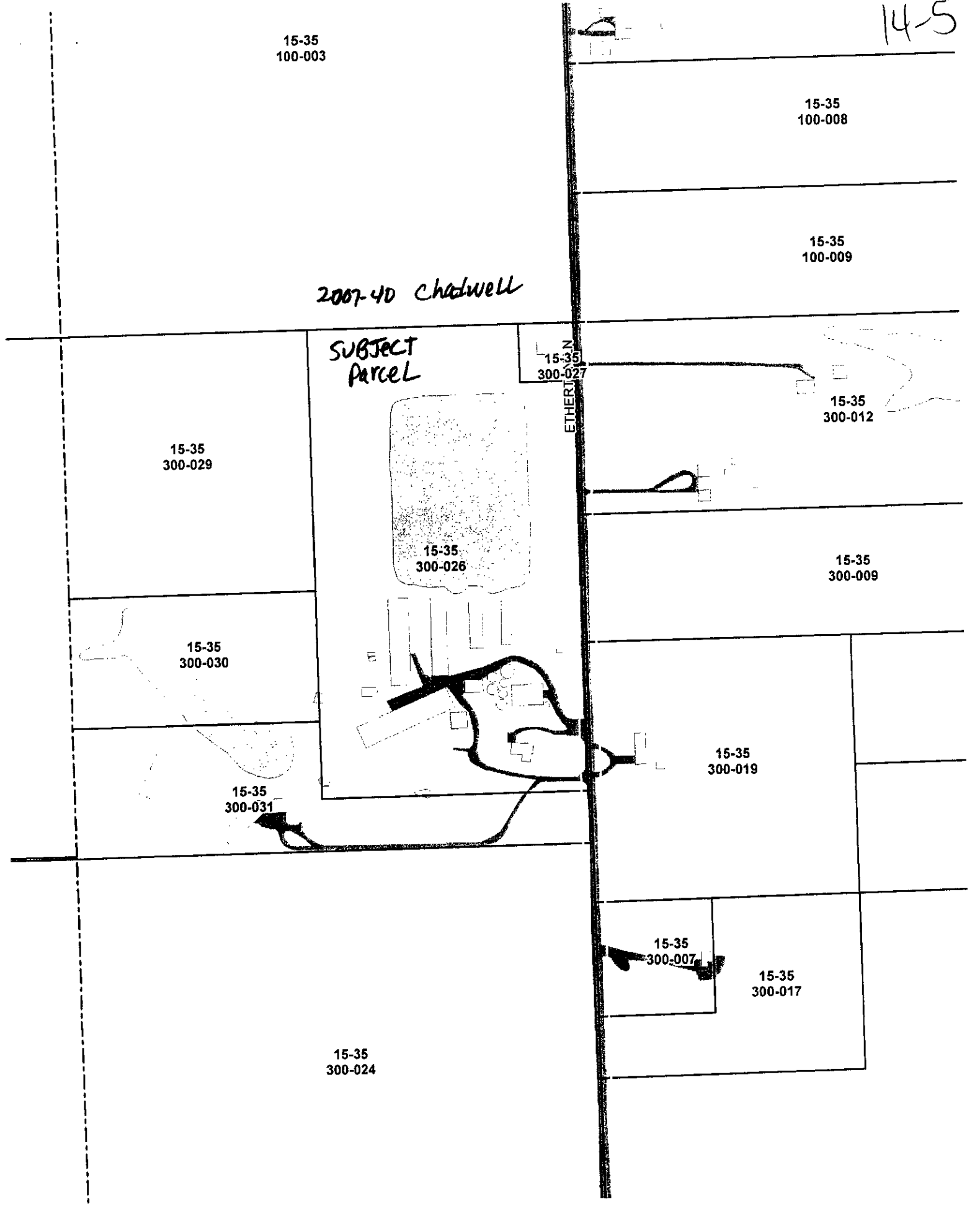
15-35
300-031

15-35
300-007

15-35
300-017

15-35
300-024

ETHERTON



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2007-40

ADDRESS: 691 Etherton Lane, Springfield, Illinois

PETITIONER: Charles K. Chadwell and Nancy D. Browne

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R1" Single Family Residence District and a variance to allow the lot depth to exceed two and one-half times the lot width for one parcel

AREA: 18.48 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval due to LESA score of 110, availability of public water and good road condition. The standards for variation are met.**

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: **Approval**



RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2007-40
Charles K. Chadwell and Nancy D. Browne)	
)	PROPERTY LOCATED AT:
)	691 Etherton Lane
)	Springfield, Illinois 62712
)	

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 21,2007** 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 or contract to purchase the property commonly known as **691 Etherton Lane, Springfield, Illinois 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 and farm buildings.**
- 5. That the proposed land use of said property is **3 single family residences.**
- 6.
- 6. That the requested **rezoning and variance** of said property is from **“A” Agricultural District to “R1” Single Family Residence District and a variance to allow the lot depth to exceed two and one-half times the lot width for one parcel.**
- 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 variance** 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 and variance** be **approved.**

Charles Chimento
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 **Barbara Braner.**

The vote of the Board was as follows:

YES: Charles Chimento, Peggy Egizii, Judith Johnson, Patrick Somers, Barbara Braner

NO:

ABSENT: Marvin Traylor

BTD Amshy
RECORDING SECRETARY

EXHIBIT A

The North 19 acres of the East Half of the Northwest Quarter of the Southwest Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian. EXCEPT part of the Northwest Quarter of the Southwest Quarter of Section 35, Township 16 North, Range 4 West of the Third Principal Meridian, more particularly described as follows: Beginning at a pipe found marking the Northeast corner of the Northwest Quarter of the Southwest Quarter of the aforesaid Section 35; thence South 0 degrees 00 minutes 00 seconds West along the East line of said Quarter Quarter Section, 150.00 feet to a set iron pin; thence North 89 degrees 33 minutes 38 seconds West, 150.00 feet to a set iron pin; thence 0 degrees 00 minutes 00 seconds East, 150.00 feet to an iron pin set on the North line of the aforesaid Quarter Quarter Section; thence South 89 degrees 33 minutes 38 seconds East along said North line, 150.00 feet to the point of beginning. Situated in Sangamon County, Illinois.

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SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 6/6/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-40

ADDRESS 691 Etherton Lane

Property Index # 15-35-300-026

PETITIONER Charles K. Chadwell and Nancy D. Browne

REQUESTED ZONING R-1 with a variance to allow the lot depth to exceed two and one half times the lot width for one parcel.

PROPOSED LAND USE Reconfigure existing home site to create two additional home sites resulting in three separate parcels.

EXISTING:

ZONING A

LAND USE Residence and hog farm

ROAD FRONTAGE Etherton Lane 1199' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence and hog farm

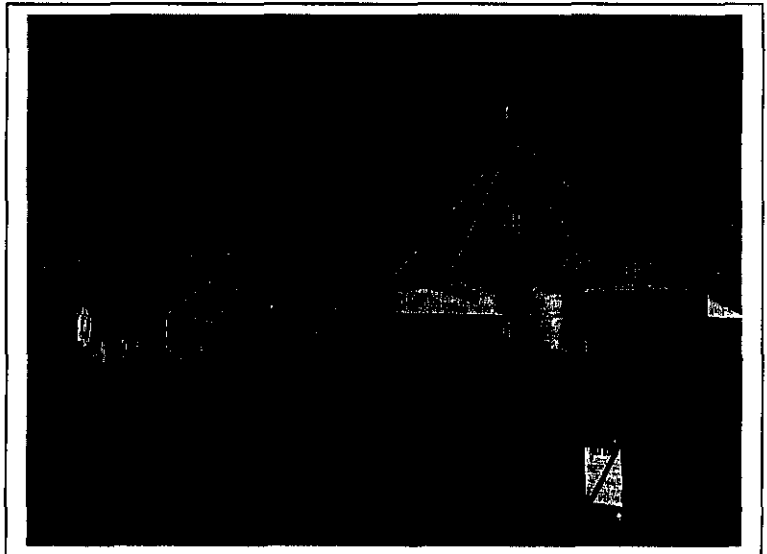
CONDITION OF STRUCTURE Good/Poor

LOT AREA 18.48 acres

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied



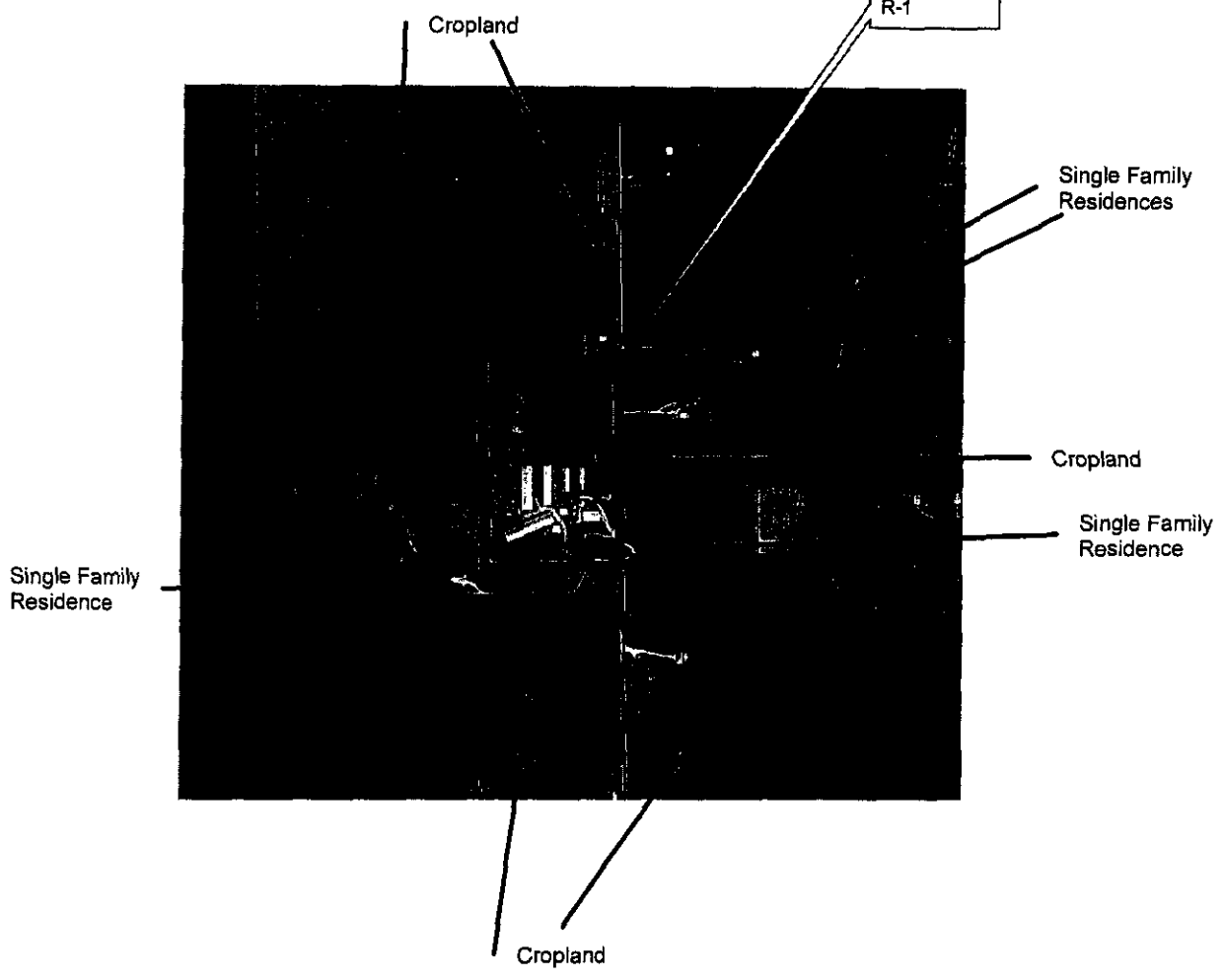
Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval due to LESA score of 110, availability of public water and good road condition. The standards for variation are met.**

County Zoning

Case# 2007-40

Requested:
R-1

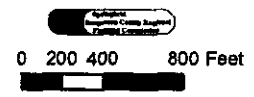


County Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

City Zoning

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2



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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2007-40**

Address: **691 Etherton Lane**

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

To the south is a single family residence and cropland, to the north and west is cropland, to the east is cropland and three single family residences.

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

The entire area is zoned agricultural.

- (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 110 indicates the property is suitable for non-agricultural development.

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

The area has remained stable with agricultural zoning.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2007-40**

Address: **691 Etherton Lane**

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 facilitate division of the property.

- (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.

Because there is a jog in the front lot line the proposed northern tract will be slightly narrower at the point where lot width is measured (60' from the road right of way). Fifty feet further back the lot widens out and the configuration meets the intent of the zoning ordinance.

- (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.

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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	20
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	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	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	10
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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<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	0
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	5
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	110
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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>
8D3	Hickory	Important		55	
8E	Hickory	Important		55	
8E3	Hickory	Non-prime		52	
8F	Hickory	Non-prime		0	
17	Keomah	Prime		77	
19C2	Sylvan	Important		72	
19D	Sylvan	Important		72	
19D3	Sylvan	Important		55	
19E3	Sylvan	Non-prime		52	
36A	Tama	Prime		100	
36B	Tama	Prime		95	
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime		100	
45	Denny	Prime		77	
50	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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74	Radford	Prime*	87
77	Huntsville	Prime*	95
107	Sawmill	Prime*	87
112	Cowden	Prime	77
119D	Elco	Important	72
119D3	Elco	Important	55
119E3	Elco	Non-prime	52
131C	Alvin	Prime	77
131D	Alvin	Prime	77
131E2	Alvin	Important	55
134A	Camden	Prime	90
134B	Camden	Prime	77
134C2	Camden	Important	72
134D3	Camden	Important	55
138	Shiloh	Prime	87
198	Elburn	Prime	100
199A	Plano	Prime	95
199B	Plano	Prime	90
208	Sexton	Prime	77
212D3	Thebes	Important	55
242	Kendall	Prime	77
244	Hartsburg	Prime	87
249	Edinburg	Prime	77
259C	Assumption	Prime	77
259D2	Assumption	Important	72
280B	Fayette	Prime	77
280C2	Fayette	Important	72
280D2	Fayette	Important	72
280D3	Fayette	Important	55
284	Tice	Prime*	90
451	Lawson	Prime*	95
551F	Gosport	Non-prime	0
567C	Elkhart	Prime	77
567D2	Elkhart	Important	72
684B	Broadwell	Prime	87
684C2	Broadwell	Prime	77
685B	Middletown	Prime	77
685C2	Middletown	Important	72
801	Orthents	Non-prime	0

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL

GRAND TOTAL 110

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.