

CASE # 2004-80 9-1
RESOLUTION NUMBER

DENYING A REZONING, GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
7250 TELSTAR RD.
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 an amendment, but grant variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Dave Stowers**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot width to be met greater than 60' from the public road for one parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 16, 2004**, 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 the rezoning from "A" Agricultural District to "R-1" Single Family Residence District, but in the alternate grant the variances plus a variance of the lot area requirement to allow two parcels less than 40 acres; and**

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

FILED

DEC 30 2004

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 January, 2005 that the request to rezone the above described property from "A" Agricultural District to "R-1" Single Family Residence District is hereby denied, but in the alternate the variances to allow the lot depth to exceed 2 ½ times the lot width and to allow the lot width to be met greater than 60' from the public road for one parcel plus a variance of the lot area requirement to allow two parcels less than forty acres are hereby granted.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 2005.

Respectfully submitted,

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



DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the West Half of the Southwest Quarter of Section 2, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Beginning at the Northeast corner of the West Half of the Southwest Quarter of said Section 2; thence South on the Quarter Quarter Section Line 1646.42 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 245.00 feet; thence deflecting to the right 90 degrees 00 minutes 00 seconds, 1643.54 feet to a point on the North line of aforesaid Southeast Quarter; thence East on said North line 245.02 feet to the point of beginning, containing 9.25 acres, more or less.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 8 NAME: Dennis Wieland

DOCKET NUMBER: 2004-80

ADDRESS: 7250 Telstar Rd., Riverton, IL. 62561

PETITIONER: Dave Stowers

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 1/2 times the lot width and a variance to allow the lot width to be met greater than 60' from the public road for one parcel.

AREA: 9.25 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:

Recommend denial due to Land Evaluation and Site Assessment score of 232, lack of infrastructure, and agricultural/rural character of the area.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION:

Deny the rezoning from "A" Agricultural District to "R-1", but in the alternate grant the requested variances plus a variance of the lot area requirement to allow two parcels less than forty acres.


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS
SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:
Dave Stowers

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)
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)

DOCKET NO: 2004-80

PROPERTY LOCATED AT:
7250 Telstar Rd.
Riverton, IL. 62561

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 **December 16, 2004** 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 **7250 Telstar Rd., Riverton, IL. 62561** 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 agricultural.
5. That the proposed land use of said property is Two Single Family Residences.
6. That the requested rezoning and variances of said property is: from "A" to "R-1" with a variance to allow the lot depth to exceed 2 1/2 times the lot width and a variance to allow the lot width to be met greater than 60' from the public road 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 not support the proposition that the adoption of the proposed rezoning 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 be denied but in the alternate, it is recommend that the variances plus a variance of the lot area requirement to allow two parcels less than forty acres be granted.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **denied**, which was duly seconded by **Donn Malwick**. **But, based on the attached standards for variation recommend that the variances to allow the lot depth to exceed 2 1/2 times the lot width and to allow the lot width to be met greater than 60' from the public road plus a variance of the lot area requirement to allow two parcels less than 40 acres be approved.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:

RJ Armstrong
RECORDING SECRETARY

245.02

205.00 40.02

212.49

-008
9.25

1643.54

300

245

9-8

PHOTO DATE: 2004 12 1 2:55:44 PM

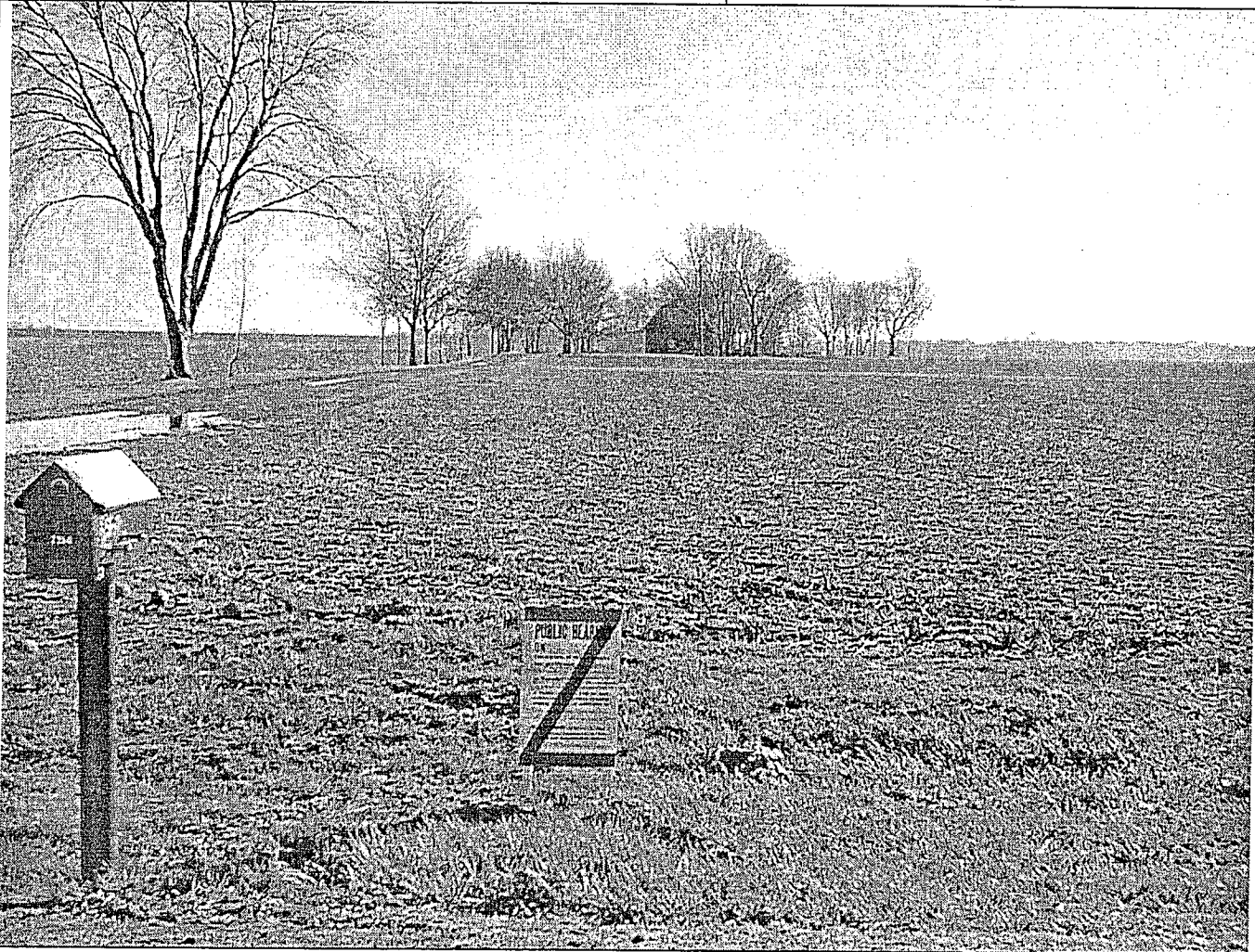
PHOTO TIME:

SITE NAME: Dave Stowers

CASE #: 2004-80

ADDRESS: 7250 Telstar Rd., Riverton

INDEX #: 15-02-0-300-008



COMMENTS: From Telstar Rd

LAND AREA:

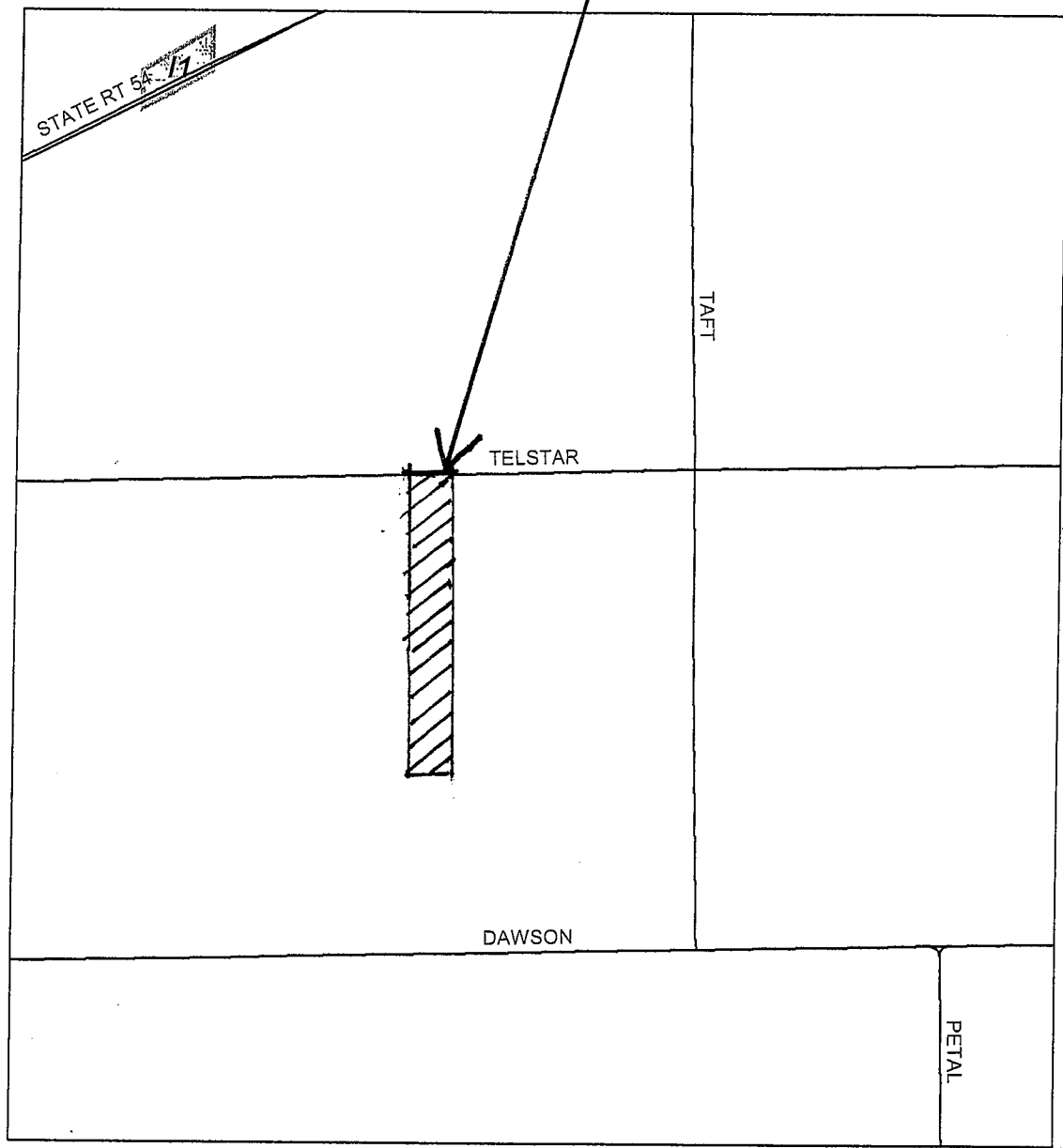
EXISTING ZONING:

PROPOSED ZONING:

OTHER COMMENTS:

County Zoning

Case# 2004-080

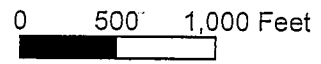


County Zoning

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

City Zoning

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



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CASE #: 2004-80
 INDEX #: 15-02-300-008
 DATE: 12-1-04
 INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Stowers, Dave
 ADDRESS: 7250 Telstar Road TWP. 16N RANGE 4 W SEC. 2 ¼ SEC. SW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Spaulding

EXISTING ZONING: A PROPOSED ZONING: R-1 with Variances*

LAND AREA: 9.25 acres ROAD FRONTAGE: 245 Lineal Ft. ROAD COND: Poor

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: 2 Single Family Residences

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

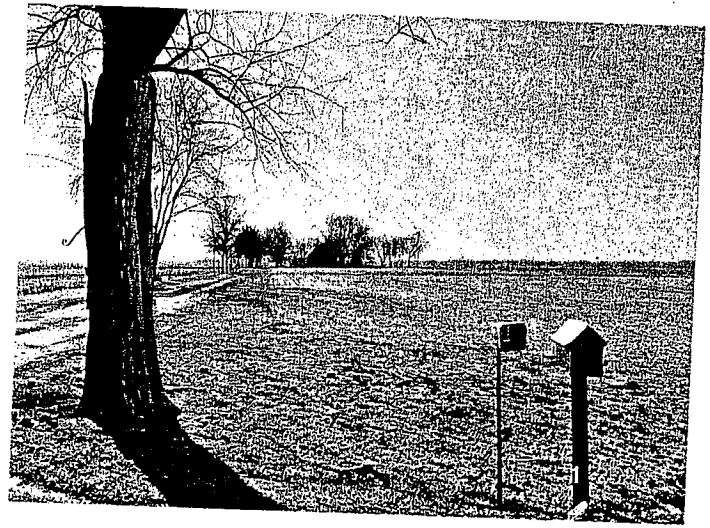
EXISTING YARDS: Front 1,400 ft. Side 170/40 ft. Rear 100 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Cropland, Pasture
 - b. To South Cropland
 - c. To East Cropland
 - d. To West Cropland

OTHER COMMENTS: * Variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot width to be met greater than 60' from the public road for one parcel.

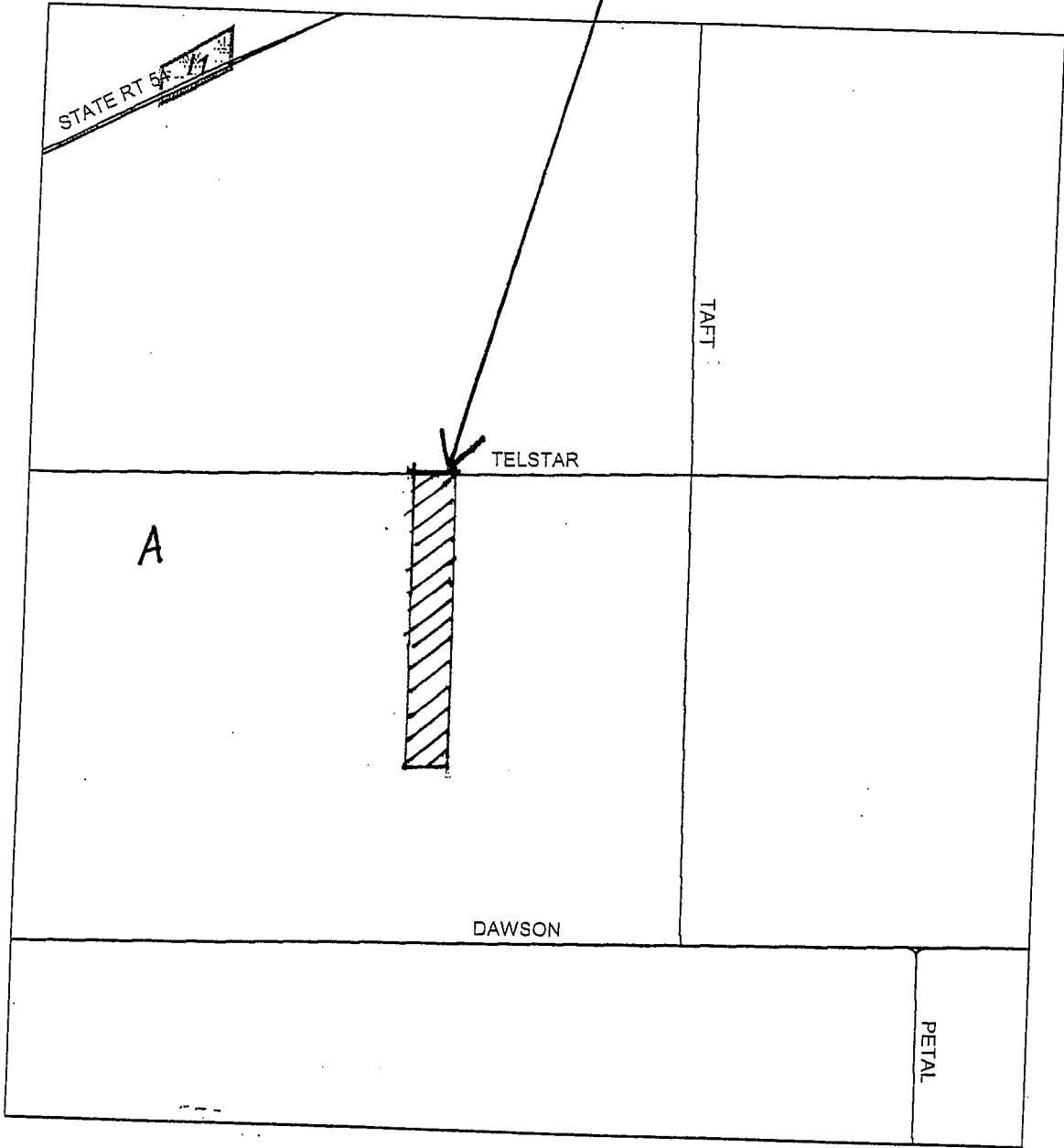
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use			X	
	appearance		X		
	height	X			
PROBLEMS FORESEEN	parking spaces	X			
	drainage	X			
	sewer		X		
WILL USE INCREASE	traffic flow	X			
	pop. density		X		
	dwelling, density		X		
	school pop.	X			
	traffic volume		X		



RECOMMENDATIONS: **Recommend denial due to Land Evaluation and Site Assessment score of 232, lack of infrastructure, and agricultural / rural character of the area.**

County Zoning

Case# 2004-080



County Zoning

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

City Zoning

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

0 500 1,000 Feet





RECOMMENDED FINDINGS OF FACT

Case #: 2004-80

Address: 7250 Telstar Road

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

The property is surrounded by cropland.

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

The property is surrounded by A 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 232 indicates the property should remain zoned agricultural. The high score reflects lack of infrastructure, specifically substandard road condition, no public water or public sewer and poor soil for septic systems; as well as the agricultural/rural character of the immediate area.

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

The immediate area has remained agricultural.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2004-80

Address: 7250 Telstar Road

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 land that can only occur if the property is rezoned.

- (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 existing tract is long and narrow.

- (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

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Available
Points Points

<u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u>		
90% or more	20	20
75-89%	10	
50-74%	5	
Under 50%	0	

<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	20
75-89%	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	20
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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Parcel # 15-02-300-008

Zoning Case # 2004-80

<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	145
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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	22	95	21
36C2	Tama	Prime		90	
36D2	Tama	Important		72	
43	Ipava	Prime	64	100	64
45	Denny	Prime	3	77	2
50	Virden	Prime		87	
67	Harpster	Prime		87	
68	Sable	Prime		95	
73	Ross	Prime		95	

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Parcel # 15-02-300-008

Zoning Case # 2004-80

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 87

GRAND TOTAL 232

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.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
► As Recommended by the Board of Appeals ◀

Case #: 2004-80

Address: 7250 Telstar Road

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 variance is requested to help 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.

The proposed building site is not well suited for agricultural use. It totals only 9.25 acres and is narrow and deep

- (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.