

CASE # 2008-06
RESOLUTION NUMBER 111

GRANTING AN AMENDMENT AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
781 GABRIEL RD., 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 an amendment and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Homefield Builders, Inc.**, 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 for 6 lots; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 17, 2008**, 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

JAN 30 2008

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13th day of February, 2008 that the request to rezone the above described property from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for 6 lots is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13th day of February, 2008.

Respectfully submitted,

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

TIM MOORE, CHAIRMAN

Abe Forsyth

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

The North Twelve (12) acres of the Southwest Quarter of the Southwest Quarter of Section Thirty-Four (34) and the Northwest Quarter of the Southwest Quarter of Section Thirty-Four (34); Both in Township Sixteen (16) North, Range Four (4) West of the Third Principal Meridian;

Except that part described as follows: Part of the Southwest Quarter of the Southwest Quarter of Section 34, Township 16 North, Range 4 West of the Third Principal Meridian described more particularly as follows: Commencing at an iron pin marking the Southeast corner of the Southwest corner of the Southwest Quarter of the aforementioned Section 34; thence North 00 degrees 40 minutes 57 seconds East along the Quarter, Quarter Section line, a distance of 932.97 feet to a mag nail; thence North 88 degrees 54 minutes 20 seconds West a distance of 40.00 feet to the true point of beginning; thence continuing North 88 degrees 54 minutes 20 seconds West a distance of 207.43 feet to an iron pipe; thence North 00 degrees 40 minutes 57 seconds East a distance of 210.00 feet to an iron pipe; thence South 00 degrees 40 minutes 57 seconds West a distance of 210.00 feet to the true point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2008-06

ADDRESS: 781 Gabriel Rd., Springfield, IL. 62707

PETITIONER: Homefield Builders, Inc.

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 for 6 lots

AREA: 51.26 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION:

Recommend approval of the requested R-1 zoning. With the adjacent residential zoning and residential development, R-1 zoning would be appropriate. Recommend approval of requested variance. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | |
|-------------------------------------|-------------------------------|
| IN THE MATTER OF THE PETITION OF:) | DOCKET NO: 2008-06 |
| Homefield Builders, Inc.) | |
|) | PROPERTY LOCATED AT: |
|) | 781 Gabriel Rd |
|) | Springfield, IL. 62707 |
|) | |

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 **January 17, 2008** 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 **781 Gabriel Rd., Springfield, IL. 62707** 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 **Cropland and pasture.**
- 5. That the proposed land use of said property is **Single Family Residential subdivision.**
- 6. That the requested **rezoning** of said property is: **from "A" Agricultural District to "R-1" Single Family Residence District with a variance to allow the lot depth to exceed 2 1/2 times the lot width for 6 lots.**
- 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.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **Byron Deaner.**

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Marvin Traylor**

NO:

PRESENT: **Judith Johnson**

ABSENT:


RECORDING SECRETARY

EXHIBIT A

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Except that part described as follows: Part of the Southwest Quarter of the Southwest Quarter of Section 34, Township 16 North, Range 4 West of the Third Principal Meridian described more particularly as follows: Commencing at an iron pin marking the Southeast corner of the Southwest corner of the Southwest Quarter of the aforementioned Section 34; thence North 00 degrees 40 minutes 57 seconds East along the Quarter, Quarter Section line, a distance of 932.97 feet to a mag nail; thence North 88 degrees 54 minutes 20 seconds West a distance of 40.00 feet to the true point of beginning; thence continuing North 88 degrees 54 minutes 20 seconds West a distance of 207.43 feet to an iron pipe; thence North 00 degrees 40 minutes 57 seconds East a distance of 210.00 feet to an iron pipe; thence South 00 degrees 40 minutes 57 seconds West a distance of 210.00 feet to the true point of beginning.

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SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 1/4/08 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2008-06
 ADDRESS 781 Gabriel Road
 Property Index # Pt. 15-34-300-001

PETITIONER Homefield Builders, Inc.

REQUESTED ZONING R-1 with a variance to allow the lot depth to exceed 2 1/2 times the lot width for 6 lots.

PROPOSED LAND USE Single family residence subdivision

EXISTING:

ZONING A

LAND USE Cropland and pasture

ROAD FRONTAGE Gabriel Rd. - 1,354' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR NA

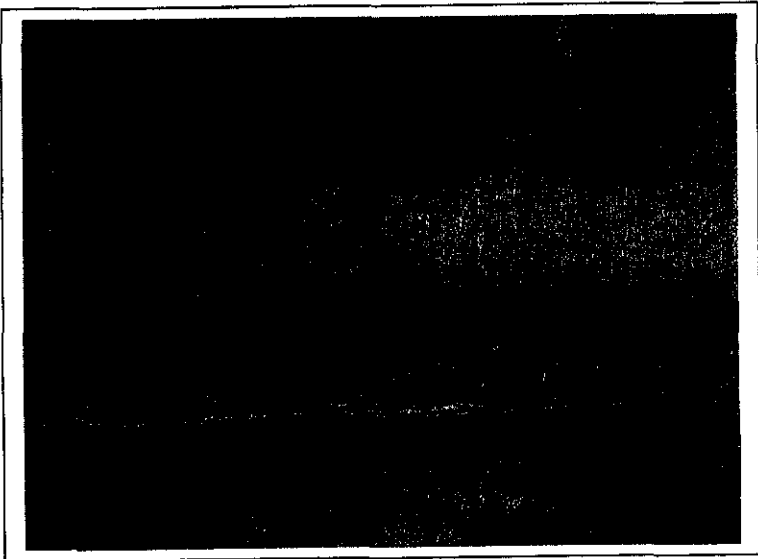
CONDITION OF STRUCTURE NA

LOT AREA 51.67 acres

FRONT YARD NA

SIDE YARDS NA

REAR YARD NA



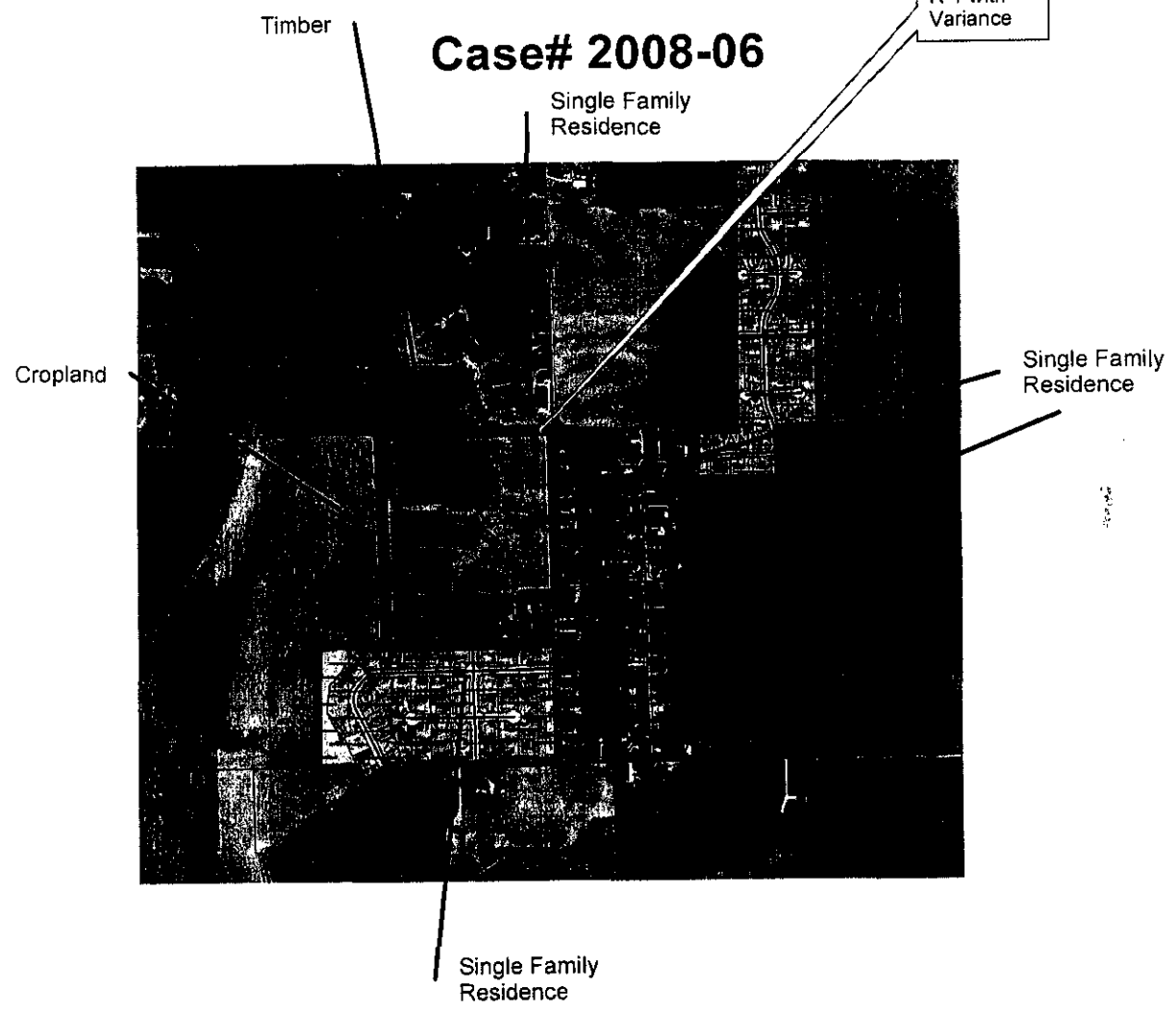
Would the proposed zoning be spot zoning? No

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of the requested R-1 zoning. With the adjacent residential zoning and residential development, R-1 zoning would be appropriate. Recommend approval of requested variance. The standards for variation are met.

County Zoning

Case# 2008-06

Requested:
R-1 with
Variance

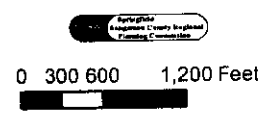


County Zoning

| | | | |
|--|------|--|----|
| | 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 |



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2008-06**

Address: **781 Gabriel Road**

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

There is a single family residence, cropland and timber to the north. There are single family residences to the east and south. There is cropland to the west.

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

There is agricultural zoning to the north, east, and west. To the south is R-1 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 145 indicates the property is deemed acceptable for non-agricultural development.

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

Property directly south was re-zoned to R-1 in 1987. The subject property was divided off from an existing single family residence in 2007.

(1-1)

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2008-06**

Address: **781 Gabriel 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 the development of a subdivision on the property including a cul-de-sac.

- (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 petitioner has proposed creating a subdivision with only 15 lots on 30 of the 51 acres with the remainder left in open space. The plan includes a cul-de-sac resulting in several of the lots not meeting the lot width/depth ratio.

- (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.

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 | 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 | |
| 50-74% | 10 | 0 |
| 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 | 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 | 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 | |

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| <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 | 70 |
|------------------------------|-----------|

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 | 45 | 75 | 34 |
| 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 | | 75 | |
| 3405A | Zook | P5 | 45 | 75 | 34 |
| 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 | 5 | 74 | 4 |
| 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 | 5 | 57 | 3 |
| 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 |
|---|-----------|

| | |
|--------------------|------------|
| GRAND TOTAL | 145 |
|--------------------|------------|

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.