

CASE # 2005-11 3-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
1155 SEBRING ROAD
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Kalon K. & Daniel Geltmaker**, have 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 width to be met greater than 60' from the public road; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **March 17, 2005**, 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

APR 01 2005

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of April, 2005 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 width to be met greater than 60' from the public road is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of April, 2005.

Respectfully submitted,

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

Dan Vaughn

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:

Joe Diello

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of Section 35, Township 17 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, lying West of the Right of Way of the Chicago and Illinois Midland Railway Company, described as follows:

Beginning at a point 690 feet East and 275 feet North of the Southwest corner of said Northwest Quarter; thence North 460 feet; thence East 460 feet; thence South 460 feet; thence West 460 feet to the point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dale (Dan) Vaughn

DOCKET NUMBER: 2005-11

ADDRESS: 1155 Sebring Road, Springfield, IL. 62707

PETITIONER: Kalon K. & Daniel Geltmaker

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow the lot width to be met greater than 60' from the public road.

AREA: 4.86 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval.

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: **2005-11**
Kalon K. & Daniel Geltmaker)
))
)) PROPERTY LOCATED AT:
)) **1155 Sebring Road**
)) **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 **March 17, 2005** 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 **1155 Sebring Road, Springfield, IL. 62707** 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 **Farmland and vacant land.**
- 5. That the proposed land use of said property is **single family residence.**
- 6. That the requested **rezoning and variance** of said property is: **from "A" to "R-1" with a variance to allow the lot width to be met greater than 60' from the public road.**
- 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 **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 **approved**, which was duly seconded by **Donn Malwick**

The vote of the Board was as follows:

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

NO:

ABSENT:



 RECORDING SECRETARY

County Zoning

Case# 2005-011



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

0 500 1,000 Feet

N

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CASE #: 2005-11

INDEX #: 06-35-100-003 Pt.

DATE: 3-7-05

INSPECTED BY: DK LW

ZONING AMENDMENT CHECK LIST

PETITIONER: Geltmaker, Kalon K. & Daniel

ADDRESS: 1155 Sebring Road TWP. 17N RANGE 5 W SEC. 35 ¼ SEC. NW
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Sherman

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

LAND AREA: 4.86 acres ROAD FRONTAGE: 0 Lineal Ft. ROAD COND: Fair

EXISTING LAND USE: Cropland and Vacant Land

PROPOSED LAND USE: Single Family Residence

TYPE OF STRUCTURE: NA CONDITION OF STRUCTURE: NA

EXISTING YARDS: Front -- ft. Side -- ft. Rear -- ft.

SPOT ZONING: X
 Yes No

NEARBY LAND USE:

- a. To North Cropland
- b. To South Cropland
- c. To East Cropland
- d. To West Cropland

OTHER COMMENTS: * Variance is requested to allow the lot width to be met greater than 60' from a public road.

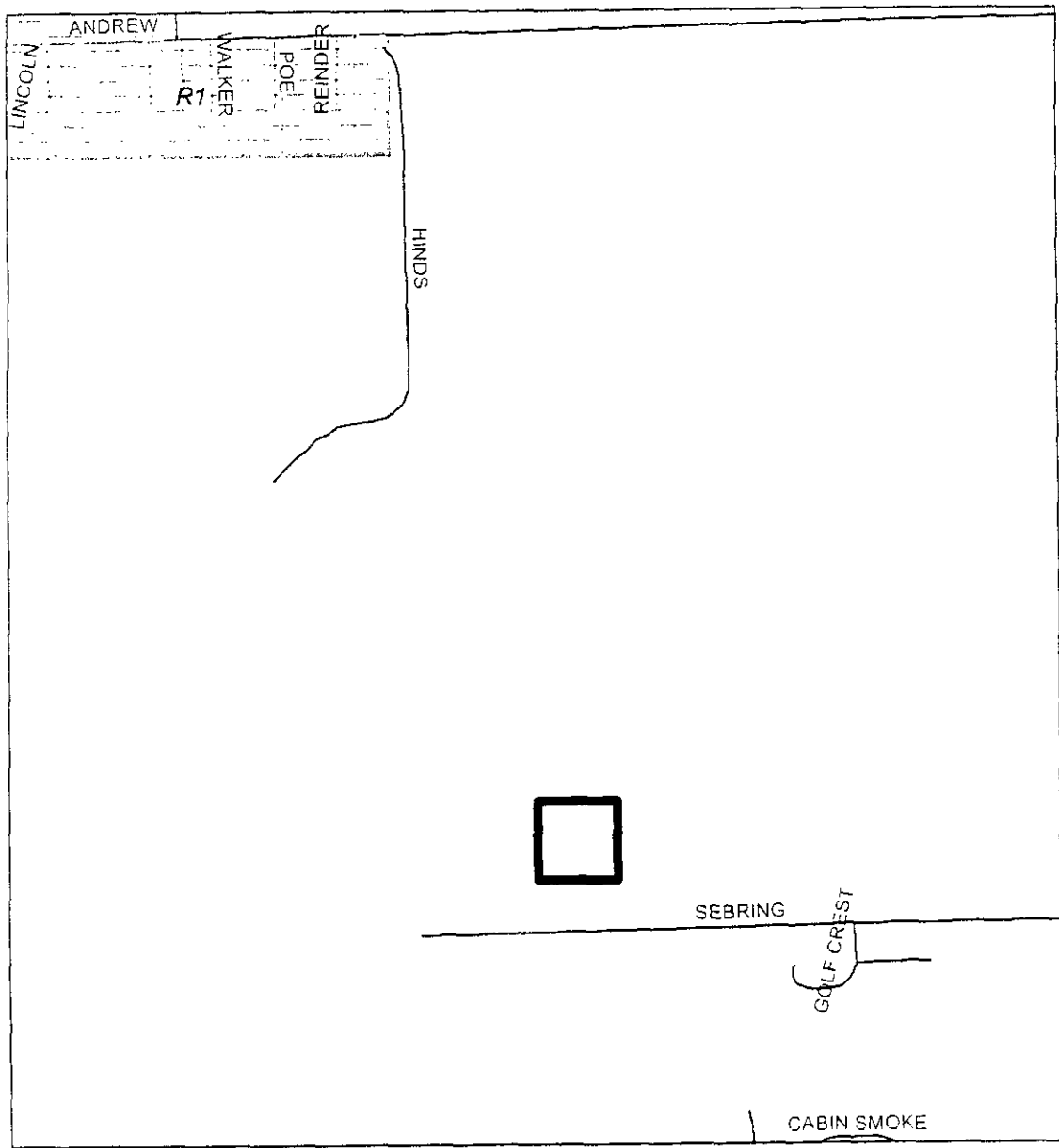
Staff Estimate of the Effect of the Amendment on the Area		None	Slight	Mod.	Great
CONTRASTS: CURRENT VS. PROPOSED	land use	X			
	appearance	X			
	height	X			
	parking spaces	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			
WILL USE INCREASE	pop. density	X			
	dwellings, density	X	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



RECOMMENDATIONS: **Recommend approval.**

County Zoning

Case# 2005-011

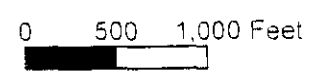


County Zoning

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

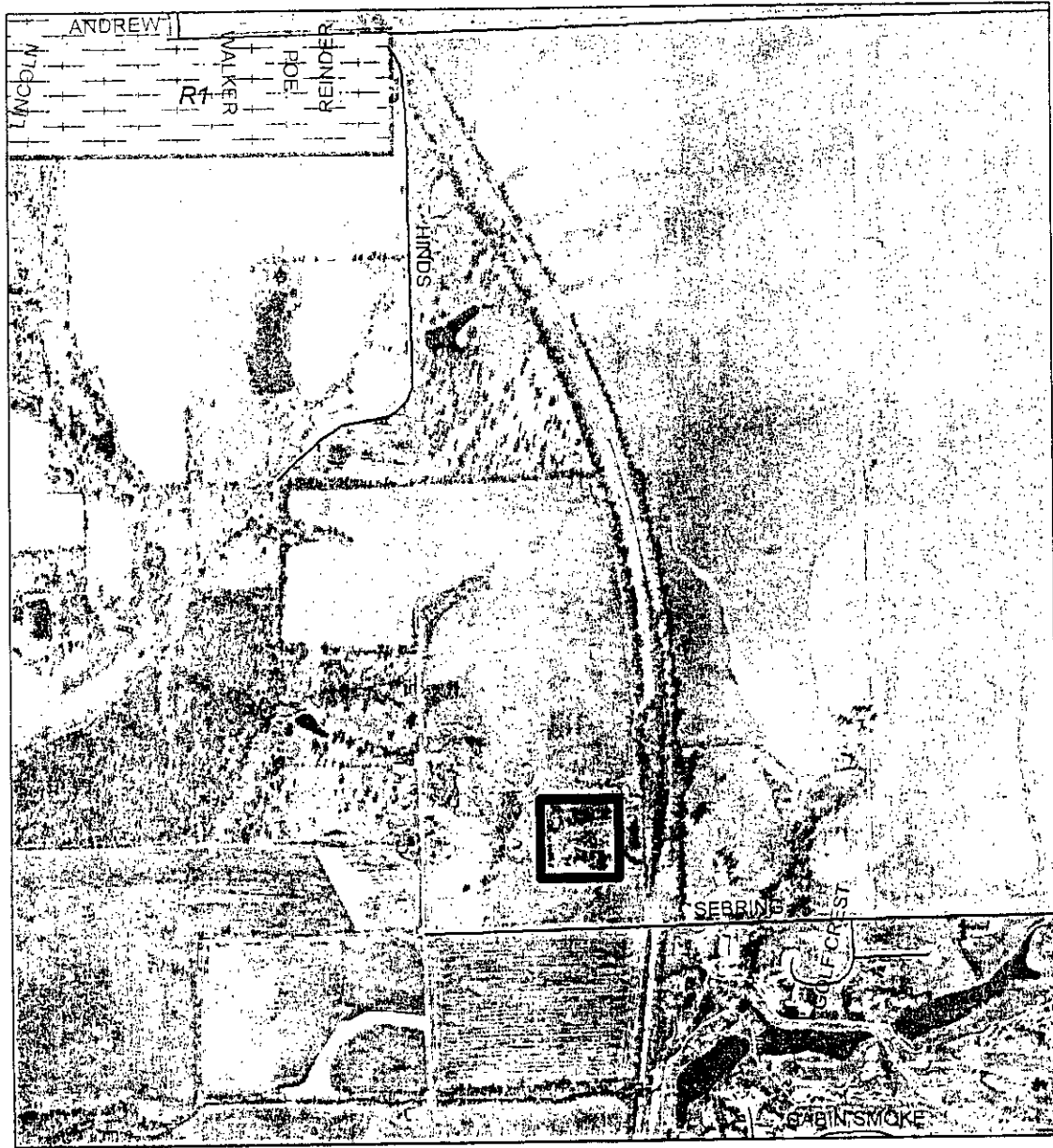
City Zoning

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



County Zoning

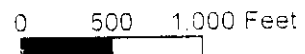
Case# 2005-011



County Zoning

City Zoning

	RM-4		I1		R5		H1		OFF
	R3		I2		R1		H2		PUD
	R2		B3		R2		H3		B1
	R1a		B2		R3a		S1		B2
	R1		B1		R3b		S2		I1
	OFF		A		R4		S3		I2





RECOMMENDED FINDINGS OF FACT

Case #: 2005-11

Address: 1155 Sebring 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 167 indicates the property may be suitable for non-agricultural development if mitigating factors are present. Since the request is to create one 5 acre tract on the timbered portion of a 71 acre tract located in close proximity to Sherman, the proposed R-1 would appear appropriate.

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

The area west of the railroad tracks has remained rural.



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-11

Address: 1155 Sebring 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 property as would be allowed under the proposed rezoning.

- (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 request is made to allow construction of a residence on the most ideal homisite location while preserving tillable land.

- (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

Parcel # 6-35-100-003 part
4.86 acres

Zoning Case # 2005-11

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LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment	Available Points	Points
<u>LAND IN AGRICULTURE WITHIN .5 MILE</u>		
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS LAND IN AGRICULTURE</u>		
90% or more	20	
75-89%	10	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE IN AGRICULTURE</u>		
75-100%	10	10
50-74%	5	
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	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	
Little or none	0	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 < 18' pavement	20	
18'-20'pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	20

Parcel # 6-35-100-003 part
4.86 acres

Zoning Case # 2005-11

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<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Private central sewage system	8	15
Sewer over 600' away	5	
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
Over 1,000' away	15	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	
More than 5 miles	10	0
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	95
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Part 2: Agricultural Land Evaluation

<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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Parcel # 6-35-100-003 part
4.86 acres

Zoning Case # 2005-11

74	Radford	Prime*		87	
77	Huntsville	Prime*		95	
107	Sawmill	Prime*		87	
112	Cowden	Prime		77	
119D	Elco	Important		72	
119D3	Elco	Important	28	55	15
119E3	Elco	Non-prime		52	
131C	Alvin	Prime	51	77	39
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	21	87	18
684C2	Broadwell	Prime		77	
685B	Middletown	Prime		77	
685C2	Middletown	Important		72	
801	Orthents	Non-prime		0	

*subject to flooding

AGRICULTURAL LAND EVALUATION TOTAL 72

GRAND TOTAL 167

Fewer than 150 points shall be deemed acceptable for non-agricultural development.

Between 150 and 175 points shall be considered marginal requiring mitigating factors for non-ag develop

Greater than 175 points shall be considered suitable for agricultural use only.