

CASE# 2015-012
RESOLUTION NUMBER 10-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
9335 PRAIRIE CREEK ROAD, NEW BERLIN
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, **Julie Rechner**, has petitioned the Sangamon County Board for **Proposed Parcels 1 and 2: rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and variances to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 16, 2015** 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

APR 29 2015

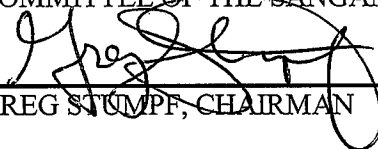
Don J. Hay
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of May, 2015 that the request for Proposed Parcels 1 and 2: rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and variances to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of May, 2015.

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 RATTI

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

THE EAST 10 FEET OF:

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, CARTWRIGHT TOWNSHIP, SANGAMON COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 14 MINUTES 34 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 658.97 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES 36 SECONDS WEST, A DISTANCE OF 655.00 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 33 SECONDS EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 498.98 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 53 SECONDS EAST, A DISTANCE OF 655.00 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 14 MINUTES 34 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 499.22 FEET TO THE POINT OF BEGINNING, CONTAINING 7.504 ACRES MORE OR LESS.

AND

PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, CARTWRIGHT TOWNSHIP, SANGAMON COUNTY, ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 14 MINUTES 34 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1158.20 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE NORTH 00 DEGREES 01 MINUTES 53 SECONDS WEST, A DISTANCE OF 655.00 FEET; THENCE NORTH 89 DEGREES 14 MINUTES 33 SECONDS WEST, A DISTANCE OF 498.98 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 36 SECONDS WEST, A DISTANCE OF 666.73 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER QUARTER; THENCE SOUTH 89 DEGREES 09 MINUTES 53 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 648.76 FEET TO A PONT ON THE EAST LINE OF SAID SOUTHWEST QUARTER QUARTER; THENCE SOUTH 00 DEGREES 01 MINUTES 53 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1320.85 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER QUARTER; THENCE NORTH 89 DEGREES 14 MINUTES 34 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER QUARTER, A DISTANCE OF 150.01 FEET TO THE POINT OF BEGINNING, CONTAINING 12.180 ACRES MORE OR LESS. WITH THE ABOVE DESCRIBED SUBJECT TO THAT PORTION NOW BEING USED FOR PUBLIC ROAD PURPOSES (PRAIRIE CREEK ROAD).

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2015-012

ADDRESS: 9335 Prairie Creek Road, New Berlin, IL 62670

PETITIONER: Julie Rechner

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Proposed Parcels 1 and 2: rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and variances to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.

AREA: 19.68 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the R-1 zoning. While the LESA score of 189 indicates the subject property is suitable for agricultural purposes, it may not be feasible to put it back into agriculturally productive use, given its small size, relatively narrow access to the road, timber, and the presence of a single-family residence. Recommend approval of the variance to allow the lot depth to exceed two and one half (2.5) times the lot width for proposed Parcels 1 and 2. The variance request pertains to a long narrow lot. With the addition of a 10-foot strip from the neighbor to the west, the newly created parcels will meet the lot width requirements in the R-1 classification. The standards of variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommended.

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2015-012
Julie Rechner)	
)	PROPERTY LOCATED AT:
)	9335 Prairie Creek Road
)	New Berlin, IL 62670

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 **April 16, 2015** 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: **9335 Prairie Creek Road, New Berlin, IL 62670** 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 a **single-family residence.**
- 5. That the proposed land use of said property is **two (2) single-family residences.**
- 6. That the requested **rezoning and variances** of said property are for **Proposed Parcels 1 and 2: rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and variances 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** 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 variances** be **approved.**

Charles Chimento /ck
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Merilyn Herbert**, 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 **Anthony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Anthony Mares, Don Wulf, Andrew Spiro & Merilyn Herbert**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2015-012**

Address: **9335 Prairie Creek Rd., New Berlin**

(i) Existing uses of property within the general area of the property in question.
To the north is tillable acreage. To the east are tillable acreage and a single-family residence. To the south are tillable acreage and a single-family residence with some outbuildings. To the west is a single-family residence.

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

The area is surrounded by Agricultural zoning.

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

The LESA score of 189 indicates the property is more suitable for agricultural purposes. It should be noted that while the LESA score indicates the subject property is suitable for agricultural purposes, it may not be feasible to put it back into agriculturally productive use, given its small size, relatively narrow access to the road, and the presence of a single-family residence. The soils and the lack of a public water supply contributed to the higher LESA score.

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

The area has remained agricultural in character with single-family residences built or under construction in the immediate vicinity.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2015-012**

Address: **9335 Prairie Creek Rd., New Berlin**

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 owner seeks to divide the property to create an additional buildable lot for a single-family residence. The location of the existing lot makes access to the excess property difficult without the requested variance. There is precedence for granting such variances in situations in which petitioners seek to divide the property to create a new lot.

Note that after the March Zoning Board of Appeals meeting, the Petitioner withdrew the previous request for a lot width variance and other associated zoning (Case # 2015-004). The revised zoning petition complies with the lot frontage requirements in the R-1 Single-Family Residence District through the addition of an additional 10-foot strip from the neighbors to the west.

- (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 pertains to a long narrow lot. With the addition of a 10-foot strip from the neighbor to the west, the newly created parcels will meet the road frontage requirements in the R-1 classification.

- (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.

10-10

Parcel # 12-24-400-012

Zoning Case # 2015-012

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	20
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	0
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	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	0
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	0
16'-18' pavement, 40' ROW	15	
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	10
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		105
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Part 2: Agricultural Land Evaluation (Based on Sangamon County Soil Survey)

Soil	Name	Type	%	Relative	
				Value	Points
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	6	100	6
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	65	87	57
684B	Broadwell	P		87	
50A	Virden	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		75	
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		75	
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	29	74	21
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		

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	84
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GRAND TOTAL	189
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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.