

CASE# 2013-047
RESOLUTION NUMBER 11-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1109 N. KOKE MILL 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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See **EXHIBIT A**

WHEREAS, the Petitioners, **Kim Villanueva & Sarah Iaiennaro**, have petitioned the Sangamon County Board for **proposed Parcel A: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel B: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow a zero (0) foot rear yard setback instead of the required three (3) foot setback for accessory structures to allow the property to be divided; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **October 17, 2013** 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**

FILED

OCT 30 2013

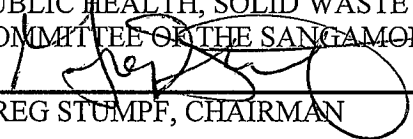
Joe Aiello
Sangamon County Clerk

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

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of November, 2013 that the request for proposed Parcel A: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel B: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow a zero (0) foot rear yard setback instead of the required three (3) foot setback for the existing accessory structures provided that any future accessory structures be required to comply with the regulations to allow the property to be divided on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of November, 2013.

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 RATTS

LINDA DOUGLAS WILLIAMS

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LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the East Half of the Southeast Quarter of Section Twenty-four (24), Township Sixteen (16) North, Range Six (6) West of the Third Principal Meridian, lying South of State Route 125 (Beardstown Road) and West of Koke Mill Road, bounded and described as follows: Beginning at a point 2164.4 feet South of Northeast corner of West Half of the East Half of the Southeast Quarter of said Section Twenty-four (24), said point also being 741.1 feet South of center line of said State Route 125; thence running South and parallel to West line of said East half of said Southeast Quarter 209 feet to a point; thence West 417 feet to a point; thence North and parallel to West line of said East Half of said Southeast Quarter 209 feet to a point; thence East 417 feet to place of beginning, containing 2 acres more or less.

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RECAP
(For County Board Use)

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

DOCKET NUMBER: 2013-047

ADDRESS: 1109 N. Koke Mill Rd., Springfield, IL. 62711

PETITIONER: Kim Villanueva & Sarah Iaiennaro

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For proposed Parcel A: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel B: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width and a variance to allow a zero (0) foot rear yard setback instead of the required three (3) foot setback for accessory structures to allow the property to be divided.

AREA: 1.822 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the R-1 zoning. The Land Evaluation and Site Assessment score of 97 indicates the property is deemed acceptable for non -agricultural development. Recommend approval of the variance to allow a zero foot rear yard setback instead of the required three feet only for the two (2) accessory structures currently in existence. The sheds are located at the rear of the property with no negative impacts. Moving the sheds or removing them completely could result in financial hardship to the property

He

owners. However, staff recommends that the placement of any future accessory structure be required to comply with the regulations. Recommend approval of the variance to allow the lot depth to be greater than 2 ½ times the lot width. The standards for variation have been met. The owners are seeking to establish separate legal descriptions and parcel identification numbers for each single-family residence and, in order to come into compliance with the regulations, the variances are necessary. Additionally, the sheds are located at the rear of the property and exist with no negative impacts. No negative impacts are anticipated.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval as staff recommended.

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

| | |
|---|-------------------------------|
| IN THE MATTER OF THE PETITION OF:) | DOCKET NO: 2013-047 |
| Kim Villanueva & Sarah Iaiennaro) | |
|) | PROPERTY LOCATED AT: |
|) | 1109 N. Koke Mill Rd. |
|) | Springfield, IL. 62711 |

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 **October 17, 2013** 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: **1109 N. Koke Mill Rd., Springfield, IL.** 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 two (2) single-family residences and two (2) sheds.
5. That the proposed land use of said property is two (2) single-family residences and two (2) sheds.
6. That the requested rezoning and variances of said property are for proposed Parcel A: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel B: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District with a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width and a variance to allow a zero (0) foot rear yard setback instead of the required three (3) foot setback for accessory structures to allow the property to be divided.
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 are 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, **Judith Johnson**, 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 **Peggy Egizii**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Don Wulf, John Lucchesi**

NO:

PRESENT:

ABSENT: **Byron Deaner, Janet Dobrinsky**

Cyndi Knowles
RECORDING SECRETARY

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**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2013-047

Address: 1109 N. Koke Mill Road, Springfield

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

There are single-family residences to the north, east and south with some timber to the west.

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

To the north is R-2. To the east, south and west is Agricultural. Further south is R-1 and further northeast is B-3.

(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 97 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 to the north was rezoned to R-2 in 1971 and 1972. Property further northeast was rezoned to B-3 in 1986.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-047

Address: 1109 N. Koke Mill Road, Springfield

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 owners are seeking to establish separate legal descriptions and parcel identification numbers to allow each residence on its own parcel. The existence of the residences makes it impossible to comply with the regulations and yield a reasonable return. Additionally, the sheds are already in existence and making the owner remove them or move them to another location could result in financial hardship.

- (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 property contains two residential structures while most have one single-family residence. The owners are seeking to divide the property into two parcels with separate parcel identification numbers in order to qualify for a traditional mortgage.

- (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.

There will be no impact on the immediate area as the overall layout of the property will not change.

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

Parcel # 13-24-400-009

Zoning Case # 2013-047

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| <u>AVAILABILITY OF PUBLIC SEWER</u> | | |
|---------------------------------------|----|----------|
| Not available | 15 | |
| Sewer over 600'-1200' away | 8 | 0 |
| Private central sewage system | 5 | |
| Sewer 600' or less away and available | 0 | |

| <u>AVAILABILITY OF PUBLIC WATER</u> | | |
|-------------------------------------|----|----------|
| Not available | 20 | |
| 1,000-1,500' away | 15 | 0 |
| 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 or fire protection by assignment | 10 | 0 |
| 2.6-5 miles | 5 | |
| 0-2.5 miles | 0 | |

| <u>DRIVING TIME TO HIGH SCHOOL</u> | | |
|------------------------------------|----|----------|
| Over 30 minutes | 10 | 5 |
| 15-30 minutes | 5 | |
| Less than 15 minutes | 0 | |

| | |
|------------------------------|-----------|
| SITE ASSESSMENT TOTAL | 25 |
|------------------------------|-----------|

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 | Oscos | P | | 87 | |
| 684B | Broadwell | P | | 87 | |
| 50A | Viriden | P2 | | 87 | |
| 712A | Spaulding | P2 | | 87 | |
| 127B | Harrison | P | | 87 | |

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| | | | | | |
|-------|-----------------|----|----|----|----|
| 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 | 90 | 75 | 68 |
| 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 | | 74 | |
| 134C2 | Camden | I | | 74 | |
| 259C2 | Assumption | I | | 74 | |
| 685C2 | Middletown | I | | 74 | |
| 280D2 | Fayette | I | | 74 | |
| 119D3 | Elco | N | | 74 | |
| 259D2 | Assumption | I | 5 | 74 | 4 |
| 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 | | | | |

Parcel # 13-24-400-009

Zoning Case # 2013-047

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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 | 72 |
|------------------------------------|----|

| | |
|-------------|----|
| GRAND TOTAL | 97 |
|-------------|----|

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.