

CASE# 2013-017  
RESOLUTION NUMBER 12-1

**GRANTING A REZONING AND A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**IN THE 10,800 BLOCK OF DARNELL RD., DAWSON**  
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, **Kirk Patton**, has petitioned the Sangamon County Board for **proposed parcel 2 a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and for both parcels a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width to allow for approximately 4.5 acres to be divided off the existing 25 acres; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 18, 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 variance; and**

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

**FILED**

APR 29 2013

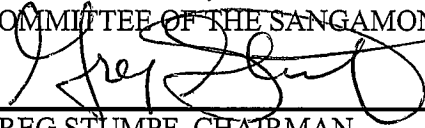
*Jae Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14<sup>th</sup> day of May, 2013 that the request for proposed parcel 2 to be rezoned from "A" Agricultural District to "R-1" Single-Family Residence District, and for both parcels a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of May, 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

\_\_\_\_\_  
LINDA FULGENZI

\_\_\_\_\_  
LISA HILLS

\_\_\_\_\_  
MIKE SULLIVAN

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**EXHIBIT A**

**The Northeast Quarter of the Southeast Quarter of  
Section 5; All in Township 15 North, Range 3 West of the  
Third Principal Meridian; Except Pattons addition and  
Pattons second addition.**

**Situated in Sangamon County, Illinois**

**RECAP**  
(For County Board Use)

COUNTY BOARD MEMBER: # 3                      NAME: David Mendenhall

DOCKET NUMBER: 2013-017

ADDRESS: In the 10,800 Block of Darnell Rd., Dawson, IL. 62520

PETITIONER: Kirk Patton

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For proposed parcel 2: Rezone from "A" Agricultural District to "R-1" Single-Family Residence District. For both parcels a variance to allow the lot depth to be greater than two and one half (2 ½) times the lot width.

AREA: 25 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: Recommend approval. The land where the single-family residence is to be located is primarily timber and is unsuitable for crop farming. The pasture in the southeast corner of proposed parcel 1 will be preserved. The LESA score is 136 making it suitable for non-agricultural development.

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: 2013-017  
 Kirk Patton )  
 )  
 ) PROPERTY LOCATED AT:  
 ) **In the 10,800 Bl. of Darnell Rd.**  
 ) **Mechanicsburg, IL. 62520**

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 **April 18, 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: **In the 10,800 Block of Darnell Rd., Mechanicsburg, IL.** 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 **timber.**
- 5. That the proposed land use of said property is a **single-family residence.**
- 6. That the requested **rezoning and variance** of said property are **for proposed parcel 2 a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District, and for both parcels a variance to allow the lot depth to be greater than two and one-half (2 ½) 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 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.**

Charles Chimento /cc  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Peggy Egizii**, 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, Don Wulf, Byron Deaner, Peggy Egizii, Judith Johnson**

NO:

PRESENT:

ABSENT:

Cyndi Knowles  
RECORDING SECRETARY

SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-017

Address: 10,800 Block of Darnell Road, Dawson

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

**A subdivision of single-family residences is located immediately east of the subject property. There is a single-family residence to the west and across the road from the property. Other single-family residences exist on land which is also being farmed.**

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

**Agricultural. In 2012, a parcel to the east of the subdivision was zoned R-1 for the purposes of constructing a single-family residence.**

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

**The land where the single-family residence is to be located is primarily timber and is unsuitable for crop farming. The pasture in the southeast corner of proposed parcel 1 will be preserved. The LESA score is 136 making it suitable for non-agricultural development.**

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

**This is a rural sector of the county with cropland, timber and pastures being the primary use. Several developments have occurred in the area. These developments consist of a subdivision to the east and various single-family residences to the west and south.**

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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2013-017

Address: 10,800 Block of Darnell Road, Dawson

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 property currently contains timber and is unsuitable for many of the uses permitted under the AG zoning classification.**

- (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 currently contains timber and a waterway. The land to be contained in proposed parcel two is unsuitable for agricultural uses.**

- (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.

**The petitioner proposes to construct a single-family residence on proposed parcel two. It is unlikely that there will be a negative impact on the area as the proposed use is consistent with the residential uses to the east.**



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	<b>10</b>
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	<b>5</b>
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	<b>10</b>
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u>		
75% or more	20	
50-74%	10	<b>5</b>
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	<b>0</b>
Little or none	0	
<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	
No impact	0	<b>0</b>
<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	<b>0</b>
> 20' pavement, 40' ROW or County or State Highway	0	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	<b>15</b>
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	<b>20</b>
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	<b>5</b>
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	<b>0</b>
15-30 minutes	5	
Less than 15 minutes	0	

<b>SITE ASSESSMENT TOTAL</b>	<b>90</b>
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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>
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	Virden	P2		87	
712A	Spaulding	P2		87	
127B	Harrison	P		87	
3077A	Huntsville	P3		87	
138A	Shiloh	P2		87	

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Parcel # 24-05-400-009

Case # 2013-017

Parcel #	Location	Designation		Value	Count
249A	Edinburg	P2		87	
242A	Kendall	P2		87	
7242A	Kendall	P2		87	
134A	Camden	P		87	
17A	Keomah	P2	1	87	1
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	1	75	1
279B	Rozetta	P	40	75	30
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P	2	75	2
3405A	Zook	P5		75	
131C2	Alvin	P		75	
86C2	Oscos	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	2	74	1
280D2	Fayette	I		74	
280C2	Fayette	I		72	
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I		74	
630C2	Navlys	I		74	
630D2	Navlys	I	2	74	1
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	23	44	10
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

Parcel # 24-05-400-009

Case # 2013-017

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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	46
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GRAND TOTAL	136
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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.