

CASE# 2012-024
RESOLUTION NUMBER 3-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1486 N. WALNUT RD., ROCHESTER
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 **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, **Terry and Marcia Supan**, have petitioned the Sangamon County Board for **Parcel A: A variance to create one (1) parcel less than forty (40) acres. 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 to allow for a single-family residence to be constructed; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2012** 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

JUN 28 2012

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of July, 2012 that the request for Parcel B to be rezoned 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 to allow for a single-family residence to be constructed and for Parcel A, a variance to create one (1) parcel to be less than forty (40) acres on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of July, 2012.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

GREG STUMPF

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Southeast Quarter of the Northeast Quarter of Section 4, Township 15 North, Range 4 West of the Third Principal Meridian, commencing at the Southeast corner of the said Quarter Quarter Section, thence North along the East line of said Quarter Quarter Section 413.32 feet; thence West 1139.0 feet more or less to the center of the existing township road, thence following the centerline of said road to the South line of said Quarter Quarter Section; thence East along said Quarter Quarter Section Line to the point of beginning.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 9 NAME: Sarah Musgrave

DOCKET NUMBER: 2012-024

ADDRESS: 1486 N. Walnut Rd., Rochester, IL. 62563

PETITIONER: Terry and Marcia Supan

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: Parcel A: A variance to create one (1) parcel less than forty (40) acres. Parcel B: "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 to allow a single-family residence to be constructed.

AREA: 10.4 acres

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: Recommend approval of the requested R-1 zoning for Parcel B. The Land Evaluation and Site Assessment score of 155 indicates the property is considered marginal requiring mitigating factors for non-agricultural development. The majority of the rear of the property contains timber and is in the 100-year floodplain, making it highly unlikely the property will ever be cropland and farmed. This is considered to be a mitigating factor for non-agricultural development. Recommend approval of the requested variances for Parcel A and Parcel B. The standards for variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2012-024
Terry and Marcia Supan)	
)	PROPERTY LOCATED AT:
)	1486 N. Walnut Rd.
)	Rochester, IL. 62563

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 **June 21, 2012** 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: **1486 N. Walnut Rd., Rochester, IL. 62563** 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 a **single-family residence and accessory structures.**
5. That the proposed land use of said property is **2 single-family residences and accessory structures.**
6. That the requested **rezoning and variances** of said property are for **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 to allow a single-family residence to be constructed and for Parcel A, a variance to create one (1) parcel less than forty (40) acres.**
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, **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 **John Lucchesi**.

The vote of the Board was as follows:

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

NO:

ABSENT: **Byron Deaner**

Cyndi Knowles
 RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2012-024

Address: 1486 N. Walnut Road, Rochester

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

To the north is timber and a single family residence. To the east is a single family residence. To the south is timber and a single family residence. To the west is cropland.

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

To the west, north and south is Agricultural zoning. To the east is R-1.

- (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 155 indicates the property is marginal requiring mitigating factors for non-agricultural development.

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

The area has remained agricultural in character with some single family residences built in the vicinity. Property to the east was rezoned to R-1 in 2004.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2012-024

Address: 1486 N. Walnut Road, Rochester

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 divide one acre from the existing parcel to construct a single family residence.

- (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 majority of the rear of the property is in the 100-year floodplain and the only new buildable home site would be located towards the road frontage.

- (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.

Parcel # 23-04-277-003

Case # 2012-024 _____

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	10
50-74%	5	
Under 50%	0	

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

<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	10
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	10
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	0
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

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<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	0
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	90
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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	Osco	P		87	
684B	Broadwell	P		87	
50A	Virden	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	60	75	45
279B	Rozetta	P	15	75	11
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	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		74	
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		74	
630D3	Navlys	I		57	
131D2	Alvin	I		57	
8D	Hickory	I		50	
8D2	Hickory	I		50	
280D3	Fayette	I		44	
8D3	Hickory	I	15	44	7
8F	Hickory	N	5	44	2
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				

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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	65
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GRAND TOTAL	155
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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.