

CASE# 2016-016 3-1
RESOLUTION NUMBER

GRANTING AN AMENDMENT AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
3602 N. LINCOLN TRAIL, PLEASANT PLAINS
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 Petitioners, **Douglas & Chassidy Houser**, have petitioned the Sangamon County Board **for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 to 1.5 acres) and, for Proposed Parcel 2: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 16, 2016** 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

JUN 29 2016

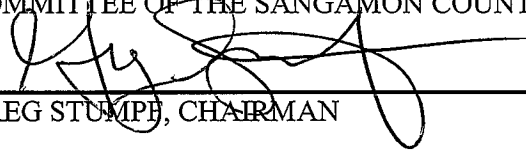
Don J. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th Day of July, 2016 that the request for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 to 1.5 acres) and, for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of July, 2016.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

ANNETTE FULGENZI

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northwest Quarter of Section 10, Township 16 North, Range 6 West of the Third Principal Meridian; described more particularly as follows: Beginning at the center of the forementioned Section 10, thence North 89 degrees 59 minutes 03 seconds West a distance of 13.29 feet to an iron pipe, thence North 0 degrees 05 minutes 55 seconds West a distance of 155.13 feet to a tangent curve having a radius of 493.40 feet, whose center bears South 89 degrees 54 minutes 05 seconds West, thence Northwesterly along said curve through a central angle of 90 degrees 53 minutes 16 seconds a distance of 782.68 feet, thence South 89 degrees 00 minutes 49 seconds West a distance of 981.12 feet to an iron pipe, thence North 0 degrees 29 minutes 50 seconds West, a distance of 838.87 feet to a stone, thence East a distance of 1494.60 feet to a stone on the Quarter Section line, thence South 0 degrees 21 minutes 16 seconds East along the Quarter Section line a distance of 1469.60 feet to the point of beginning.

Except any interest in the coal, oil, gas and other minerals underlying the land which have been heretofore conveyed or reserved in prior conveyances, and all rights and easements in favor of the estate of said coal, oil, gas and other minerals, if any.

Situated in Sangamon County, Illinois.

Together with all easements and appurtenances in favor of said real property.

Subject to all real estate taxes and special assessments; all covenants, easements, reservations, restrictions and roadways of record or in place, if any; all prior reservations, exceptions or conveyances of the coal, oil, gas or other minerals, if any; and building, use and occupancy restrictions imposed by state and local governments, zoning laws and ordinances, if any.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Harry "Tom" Fraase

DOCKET NUMBER: 2016-016

ADDRESS: 3602 N. Lincoln Trail, Pleasant Plains, IL 62677

PETITIONER: Douglas & Chassidy Houser

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION:

For Proposed Parcel 1: "A" Agricultural District with a variance to allow one (1) parcel less than forty (40) acres (approximately 1 to 1.5 acres) and, for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District.

AREA: 29.73 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION:

Recommend approval. The LESA score of 174 indicates the property is considered marginal for agricultural usage. There is a trend toward residences in the area especially to the south and west due to water service through Curran-Gardner. Also, the presence of a wooded ravine on the western approximately one-third of the subject property makes it unlikely this portion could be economically converted to cropland. The requested variance is necessary to separate the existing house from the larger acreage where a new residence will eventually be constructed. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff recommendation


RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2016-016
Douglas & Chassidy Houser)	
)	PROPERTY LOCATED AT:
)	3602 N. Lincoln Trail
)	Pleasant Plains, IL 62677

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 **June 16, 2016** 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: **3602 N. Lincoln Trail, Pleasant Plains, IL 62677** 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 **one single-family residence, outbuilding, timber, and cropland.**
- 5. That the proposed land use of said property is **two single-family residences, outbuilding, timber, and cropland.**
- 6. That the requested **rezoning and variance** of said property is **for Proposed Parcel 1: a variance to allow one (1) parcel less than forty (40) acres (approximately 1 to 1.5 acres) and, for Proposed Parcel 2: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District.**
- 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 9/1

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, and Merilyn Herbert**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2016-016**

Address: **3602 N. Lincoln Trail, Pleasant Plains**

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

To the north is a residence. Further north, there are several large lot residences with very small frontages. To the east and south are residences and cropland. To the west are residences.

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

The properties in the general area are zoned Agricultural.

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

A residence is an allowable use in either Agricultural or R-1. The LESA score of 174 indicates the property is considered marginal for agricultural usage. The subject property is currently improved with a residence, an outbuilding, and another pole barn under construction. There is a trend toward residences in the area especially to the south and west due to water service through Curran-Gardner. Also, the presence of a wooded ravine on the western approximately one-third of the subject property makes it unlikely this portion of the property could be economically converted to cropland.

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

In the late 1980s, two use variances were approved in the area, including one immediately south of the subject property for retail sales (Zoning Case # 1988-01). In 1998, a flag lot was denied a variance to allow a split north of the subject property along Cedar Ridge. In 2015, a rezoning to R-1 and variances were granted to facilitate a split along Stagecoach Road northeast of the subject property (Zoning Case # 2015-010).

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2016-016**

Address: **3602 N. Lincoln Trail, Pleasant Plains**

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 requested variance is needed to separate the existing house from the larger acreage where a new residence will eventually be constructed (and that triggered the requested R-1 zoning for proposed parcel 2).

- (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 topography of the site, i.e. the ravine, makes it more likely a residence would be constructed in the central (along Lincoln Trail) or eastern (along Stone Road) part of the property rather than to convert the parcel that is less than 40 acres to cropland.

- (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 impacts are anticipated in granting the requested variance.

Parcel # 13-10-176-001

Zoning Case # 2016-016

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	
50-74%	5	10
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	20
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	
25-49%	5	10
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	

IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES

Negative impact	10	0
No impact	0	

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	10
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

Not available	15	15
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	

AVAILABILITY OF PUBLIC WATER

Not available	20	0
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	5
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	0
15-30 minutes	5	
Less than 15 minutes	0	

SITE ASSESSMENT TOTAL**100**

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	38	100	38
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	
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	29	75	22
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		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	17	44	7
8D3	Hickory	I		44	
8F	Hickory	N	16	44	7
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	74
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GRAND TOTAL	174
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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.