

FILED

JUN 25 2020

Don J. King
Sangamon County Clerk

**GRANTING A REZONING AND A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
8963 MECHANICSBURG ROAD, 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 a rezoning and a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **Nicholas S. and Leah A. Bestudik**, have petitioned the Sangamon County Board requesting **for Proposed Parcels 1 & 2: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot Depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 18, 2020** 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 a rezoning and a variance**; and,

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

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NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **14th Day of July, 2020** that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

Signed and passed by the Sangamon County Board in session on this **14th day of July, 2020**.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

The South 39 and one-half acres of the East Half of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian, EXCEPTING therefrom the following described tract:

Beginning at a stone at the Southwest corner of said East Half of said Quarter Section; thence North a distance of 410 feet to a point; thence East a distance of 266 feet to a point; thence South a distance of 410 feet to a point; and then West to the place of beginning.

ALSO EXCEPTING part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian, described as follows: Commencing at an iron pin marking the Southwest corner of the Southeast Quarter of the Southeast Quarter of the aforesaid Section; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line a distance of 1,302.37 feet to a point which is the true point of beginning; thence South 89 degrees 50 minutes 35 seconds East a distance of 22.93 feet to an iron pin; thence along the latter course an additional distance of 240.00 feet to an iron pin; thence South 00 degrees 26 minutes 05 seconds West a distance of 208.71 feet to an iron pin; thence North 89 degrees 50 minutes 35 seconds West a distance of 240.00 feet to an iron pin; thence along the latter course an additional distance of 21.25 feet to a point on the aforementioned Quarter Quarter Section line; thence North 00 degrees 01 minutes 35 seconds West a distance of 208.71 feet to the true point of beginning.

ALSO EXCEPTING part of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian in Sangamon County, Illinois, more particularly described as follows:

Commencing at a railroad spike marking the Southeast corner of the aforesaid Section 25, thence South 89 degrees 25 minutes 35 seconds West along the South Section line, 1,324.81 feet to an iron pin; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 699.67 feet to a point marking the true point of beginning; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 167.00 feet: thence North 90 degrees 00 minutes 00 seconds East, 261.66 feet to an iron pin; thence South 00 degrees 07 minutes 54 seconds East, 166.28 feet to an iron pin; thence South 89 degrees 50 minutes 35 seconds West, 261.97 feet to the true point of beginning. Said tract contains 1.002 acres, more or less.

ALSO EXCEPTING part of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian in Sangamon County, Illinois, more particularly described as follows: Commencing at a railroad spike marking the Southeast corner of the aforesaid Section 25; thence South 89 degrees 25 minutes 35 seconds West along the South Section line, 1,324.81 feet to an iron pin; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 866.67 feet to a point the true point of beginning; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 167.00 feet to a point; thence South 89 degrees 50 minutes 35 seconds East, 261.36 feet to an iron pin; thence South 00 degrees 07 minutes 54 seconds East, 166.28 feet to an iron pin; thence North 90 degrees 00 minutes 00 seconds West, 261.66 feet to the true point of beginning. Said tract contains 1.00 acres, more or less.

ALSO EXCEPTING part of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian in Sangamon County, Illinois more particularly described as follows:

Commencing at a railroad spike marking the Southeast corner of the aforesaid Section 25, thence South 89 degrees 25 minutes 35 seconds West along the South Section line, 1,324.81 feet to an iron pin; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 407.06 feet to a point marking the true point of beginning; thence North 00 degrees 01 minutes 35 seconds West along the Quarter Quarter Section line, 292.43 feet to a point; thence North 89 degrees 50 minutes 35 seconds East, 261.97 feet to an iron pin; thence South 00 degrees 07 minutes 54 seconds East, 286.20 feet to a post; thence South 88 degrees 24 minutes 02 seconds West, 262.60 feet to the true point of beginning. Said tract contains 1.743 acres more or less.

ALSO EXCEPTING part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 16 North, Range 4 West of the Third Principal Meridian in Sangamon County, Illinois, more particularly described as follows: Commencing at an iron pin found marking the Southwest corner of the Southeast Quarter of the Southeast Quarter of the aforesaid Section 25; thence North 00 degrees 01 minutes 35 seconds West along the West line of said Quarter Quarter Section, 1,034.06 feet to a set iron pin marking the true point of beginning; thence continuing North 00 degrees 01 minutes 35 seconds West 60.00 feet to a found iron pin; thence South 89 degrees 52 minutes 53 seconds East 261.39 feet to a set iron pin; thence North 00 degrees 00 minutes 05 seconds East 208.77 feet to a found iron pin; thence North 89 degrees 44 minutes 34 seconds East 1,059.22 to a found corner post; thence South 00 degrees 12 minutes 21 seconds East 399.65 feet to a set iron pin; thence North 89 degrees 52 minutes 54 seconds West 1,060.65 feet to a set iron pin; thence North 00 degrees 00 minutes 05 seconds West 123.93 feet to a found iron pin; thence North 89 degrees 52 minutes 53 seconds West 261.36 feet to the true point of beginning. Said tract contains 10.00 acres, more or less.

Parcel Number: 15-25.0-400-032.

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RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #3 NAME: David Mendenhall

DOCKET NUMBER: 2020-016

ADDRESS: 8963 Mechanicsburg Road, Dawson, IL 62520

PETITIONER: Nicholas S. & Leah A. Bestudik

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: For Proposed Parcels 1 & 2: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot Depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

AREA: 22.01 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. The LESA score of 128 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area. Splitting the subject property into two single-family residential lots is consistent with the trend of development in the area. Negative impacts are not anticipated. The Standards for Variation are met.

SANGAMON COUNTY ZONING 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: **2020-016**
Nicholas S. & Leah A. Bestudik)
))
)) PROPERTY LOCATED AT:
)) **8963 Mechanicsburg Road**
)) **Dawson, IL 62520**

RECOMMENDATION OF THE ZONING 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 a **rezoning and a 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 18, 2020** 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: **8963 Mechanicsburg Road, Dawson, IL 62520** 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 agriculture**.
5. That the proposed land use of said property are **Two single-family residences, one on each parcel**.
6. That the request(s) for the subject property are **for Proposed Parcels 1 & 2: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot Depth) to allow the lot depth to be greater than two and one-half (2.5) 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 a variance** is in the public interest and is not solely in the interest of the petitioner(s).

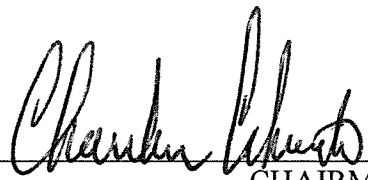
IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following request(s) **are hereby approved**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District**;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District**; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be **greater than two and one-half (2.5) times the lot width.**



 CHAIRMAN
 jto

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;

For Proposed Parcel 2:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and,
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width.

which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2020-016

Address: 8963 Mechanicsburg Road, Dawson

- (i) Existing uses of property within the general area of the property in question.
North, South, & West – Residences. East – Cropland.
- (ii) The zoning classification of property within the general area of the property in question.
North, East, & West – Agricultural. South – R-1 & Agricultural.
- (iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The LESA score of 128 indicates the property is acceptable for non-agricultural development. There is a trend toward rural residences in the area.

- (iv) The trend of development, within the vicinity since the property was originally classified.
The area has a rural residential trend. In 2019, R-1, a Use Variance, and variances were granted south of the subject property. In 2005, a variance was approved for the lot depth to exceed 2.5 times the lot width south of the subject property. In 2003, a front yard setback variance was granted northwest of the subject property.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-016**

Address: **8963 Mechanicsburg 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.

Splitting the subject property into two single-family residential lots is consistent with the trend of development in the area.

- (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 heavy timber and placement of the cropland creates some uniqueness due to the property owner's desire to keep the existing residence with the 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.

Negative impacts are not anticipated.

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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	10
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	
50-74%	5	5
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
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	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

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<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	

<u>AVAILABILITY OF PUBLIC SEWER</u>		
Not available	15	
Sewer over 600'-1200' away	8	15
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	10
2.6-5 miles	5	
0-2.5 miles	0	

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

SITE ASSESSMENT TOTAL		75
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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	
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	12	75	9
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	12	75	9
45A	Denny	P2		75	
134B	Camden	P		75	
112A	Cowden	P2		75	
685B	Middletown	P	9	75	7
3405A	Zook	P5		75	
131C2	Alvin	P	6	75	5
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	6	74	4
280D2	Fayette	I	1	74	1
119D3	Elco	N		74	
259D2	Assumption	I		74	
212C2	Thebes	I	4	74	3
630C2	Navlys	I		74	
630D2	Navlys	I		74	
630D3	Navlys	I		57	
131D2	Alvin	I	27	57	15
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	53
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GRAND TOTAL	128
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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.