

CASE# 2017-063
RESOLUTION NUMBER 6-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4521 MECHANICSBURG ROAD, 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, **Bruce & Annette Settles**, have petitioned the Sangamon County Board for a **rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) for Proposed Parcel 1; and, a variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 2; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 2017** 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

DEC 28 2017

Don J. May
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 **9th Day of January, 2018** that the requests for a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) for Proposed Parcel 1; and, a variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 2; on the above described property are hereby approved.**

Signed and passed by the Sangamon County Board in session on this **9th day of January, 2018.**

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

ROSE RUZIC

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

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EXHIBIT A

All of the Southwest Quarter of Section Twenty-Nine (29), lying South and East of Sugar Creek and that part of the West 161.7 feet of the Southeast Quarter of Section Twenty-Nine (29) lying South and East of Sugar Creek, Township Sixteen (16) North, Range Four (4) West of the Third Principal Meridian, containing approximately 33.91 acres, more or less, situated in the County of Sangamon, in the State of Illinois.

EXCEPT THE FOLLOWING:

The South 50.00 feet of that part of the West 161.7 feet of the Southeast Quarter of Section Twenty-Nine (29) lying South and East of Sugar Creek, Township Sixteen (16) North, Range Four (4) West of the Third Principal Meridian, situated in the County of Sangamon, in the State of Illinois. Said parcel contains 0.186 acre, more or less, of which 0.148 acre, more or less, has been previously used or dedicated for public road purposes.

AND

That part of the Southwest Quarter of Section Twenty-Nine (29), lying South and East of Sugar Creek in Township Sixteen (16) North, Range Four (4) West of the Third Principal Meridian in Sangamon County, Illinois, described as follows:

Commencing at the Southwest corner of said Section Twenty-Nine (29); thence on an assumed bearing of South 89 degrees 53 minutes 47 seconds East, 899.1 feet, more or less, along the South line of said Southwest Quarter of Section Twenty-Nine (29) to the centerline of Sugar Creek and to the Point of Beginning; thence continuing South 89 degrees 53 minutes 47 seconds East, 1,760.5 feet, more or less, along said South line to the East line of said Southwest Quarter; thence northerly along said East line, 49.95 feet; thence North 85 degrees 32 minutes 24 seconds West, 1,330.5 feet, more or less, to the East line of the West Half of said Southwest Quarter; thence North 88 degrees 19 minutes 00 seconds West, 274.6 feet, more or less, to the centerline of Sugar Creek; thence southwesterly along said centerline to the Point of Beginning.

Said parcel contains 4.474 acres, more or less, of which 1.599 acres, more or less, were previously dedicated for public road purposes recorded April 22, 1940 in Book 293, page 561.

RECAP
(For County Board Use)

COUNTY BOARD
MEMBER:

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NAME: **Tom Madonia, Jr.**

DOCKET NUMBER: **2017-063**

ADDRESS: **4521 Mechanicsburg Road, Springfield, IL 62712**

PETITIONER: **Bruce & Annette Settles**

PRESENT ZONING
CLASSIFICATION:

“A” Agricultural District.

REQUESTED ZONING
CLASSIFICATION:

Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet). Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres.

AREA: **33.72 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION
RECOMMENDATION:

Recommend approval. The LESA score of 175 indicates the property is marginal requiring mitigating factors. The property had a residence that was demolished. The owners propose constructing a new single-family residence, and the bank is requiring the property to be split for financing. When a new single-family residence will be constructed on property and when zoning is required to facilitate the division of land, petitioners are required to request R-1 zoning. The R-1 district restricts the height of

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garages to 18 feet. The petitioner is requesting a variance to allow the garage to be approximately 24 feet in height which would have been allowed had the property remained zoned Agricultural. Granting the variance will not have a negative impact on the immediate area. The other variances are needed to allow a lot less than 40 acres and the R-1 parcel to have a depth more than 2.5 times its lot width. There will be no negative impact and the Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval of Staff Recommendation.


RECORDING SECRETARY

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SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2017-063**
Bruce & Annette Settles)
))
)) PROPERTY LOCATED AT:
)) **4521 Mechanicsburg Road**
)) **Springfield, IL 62712**

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 **December 21, 2017** 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: **4521 Mechanicsburg Road, Springfield, IL 62712** 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 **a pole barn.**
5. That the proposed land use of said property is **a residence and pole barn.**
6. That the requested **rezoning and variances** of said property are for **a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; a variance to allow an accessory structure to be greater than the maximum height allowed in the “R-1” Single-Family Residence District of eighteen (18) feet (approximately 24 feet) for Proposed Parcel 1; and, a variance to allow one (1) parcel less than forty (40) acres for Proposed Parcel 2.**
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** 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 variances** be **approved.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, 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 **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan, Larry Beaty**

NO:

PRESENT:

ABSENT: **Charles Chimento**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-063**

Address: **4521 Mechanicsburg Road, Springfield**

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

North: Cropland. South: Residence. East: Cropland. West: Cropland.

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

North: Ag. South: Ag. East: Ag and R-1. West: Ag.

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

The LESA score of 175 indicates the property is marginal requiring mitigating factors.

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

There is a rural residential area slightly south of the subject property that was developed in the 1970's. Property slightly east of the subject property was downzoned property from R-1 to Agricultural and granted a Conditional Permitted Use in Zoning Case # 2017-31.

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**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-063**

Address: **4521 Mechanicsburg 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 property had a residence that was demolished. The owners propose constructing a new single-family residence, and the bank is requiring the property to be split for financing. When a new single-family residence will be constructed on property and when zoning is required to facilitate the division of land, petitioners are required to request R-1 zoning. The R-1 district restricts the height of garages to 18 feet. The petitioner is requesting a variance to allow the garage to be approximately 24 feet in height which would have been allowed had the property remained zoned Agricultural. The other variances are needed to allow a lot less than 40 acres and the R-1 parcel to have a depth more than 2.5 times its lot width. There will be no negative impact.

- (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 bank is requiring the property to be divided for financing purposes.

- (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.

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Parcel # 15-29-300-027;
15-29-400-009

Zoning Case # 2017-063

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

**Available
Points Points**

AGRICULTURAL/RURAL LAND WITHIN .5 MILE

90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	

CONTIGUOUS AGRICULTURAL/RURAL LAND

90% or more	20	
75-89%	10	20
50-74%	5	
Under 50%	0	

PERCENTAGE OF SITE AGRICULTURAL/RURAL

75-100%	10	
50-74%	5	10
Under 50%	0	

COUNTY SECTOR

Rural	20	
0.5 mile from incorporated area	10	10
Incorporated area	0	

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	20
25-49%	5	
Less than 25% or sewer available	0	

ENVIRONMENTAL IMPACT OF PROPOSED USE

Negative impact	15	
Little or none with protective measures	5	5
Little or none	0	

<u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u>		
Negative impact	10	0
No impact	0	

<u>CONDITION OF ROAD</u>		
unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
18'-20' pavement, 40' ROW	10	0
> 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	
Private central sewage system	5	15
Sewer 600' or less away and available	0	

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	
Less than 1,000' away	5	0
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	
2.6-5 miles	5	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		105
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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</u>	
				<u>Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P		100	
7148A	Proctor	P	13	100	13
46A	Herrick	P		100	
7037A	Worthen	P	11	100	11
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	12	87	10
134A	Camden	P		87	
17A	Keomah	P2		87	
3451A	Lawson	P3		75	
3107A	Sawmill	P5	24	75	18
7075B	Drury	P		75	
8396A	Vesser	P2		75	
3074A	Radford	P3		75	
3073A	Ross	P3		75	
3284A	Tice	P3	20	75	15
279B	Rozetta	P		75	
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	4	74	3

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	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		

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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	70
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GRAND TOTAL	175
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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.