

CASE# 2017-010
RESOLUTION NUMBER 9-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
220 N. KOKE MILL 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 Petitioner, **Ellen Mahan**, has petitioned the Sangamon County Board for a rezoning from “A” Agricultural District and “B-1” Neighborhood Business District to “R-1” Single-Family Residence District, (a) a variance to allow the front yard setback to be approximately seventeen (17) feet instead of the required thirty (30) feet for the accessory structure, and (b) a variance to allow an accessory structure within the required front yard; and,

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

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

FILED

MAR 29 2017

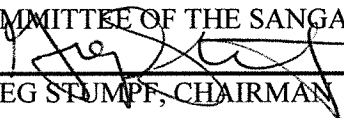
Don J. May
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **10th Day of April, 2017** that the request for a rezoning from **“A” Agricultural District and “B-1” Neighborhood Business District to “R-1” Single-Family Residence District, (a) a variance to allow the front yard setback to be approximately seventeen (17) feet instead of the required thirty (30) feet for the accessory structure, and (b) a variance to allow an accessory structure within the required front yard on the above described property is hereby approved.**

Signed and passed by the Sangamon County Board in session on this **10th day of April, 2017.**

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

EXHIBIT A

Part of the SE ¼ of the SE ¼ of Section 25, Township 16N, Range 6W of the 3rd P.M., Sangamon County, Illinois being more particularly described as follows:

Beginning 145 feet South of a stone at the NW Corner of the SE ¼ of the SE ¼ of said Section; thence South 88 degrees 53 minutes 20 seconds East 192.90 feet to an iron pin; thence South 100 feet to an iron pin; thence North 88 degrees 53 minutes 20 seconds West 192.90 feet to an iron pin; thence North 100 feet to the point of beginning.

AND

Part of the East Half of the Southeast Quarter of Section 25, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows: Commencing at an iron pin at the Northwest corner of the Southeast Quarter of the Southeast Quarter of Section 25; thence South 45.45 feet; thence South 88 degrees 53 minutes 20 seconds East 192.90 feet to an iron pin at the point of beginning; thence South 64 degrees 13 minutes 44 seconds East 148.55 feet to an iron pin; thence South 138.00 feet to an iron pin; thence North 88 degrees 53 minutes 20 seconds West 133.80 feet to an iron pin; thence North 200.00 feet to an iron pin at the point of beginning, containing 0.519 acres, more or less.

AND

Parcel I:

Part of the Southeast Quarter of the Southeast Quarter of Section 25, Township 16 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois, being described as follows:

Beginning 45 feet South of a stone at the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Section; thence South 88 degrees 53 minutes 20 seconds East 192.90 feet to an iron pin; thence North 88 degrees 53 minutes 20 seconds West 192.90 feet to an iron pin; thence North 100 feet to the point of beginning.

Situated in Sangamon County, Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #11 NAME: **Mike Sullivan**

DOCKET NUMBER: **2017-010**

ADDRESS: **220 N. Koke Mill Road, Springfield, IL 62711**

PETITIONER: **Ellen Mahan**

PRESENT ZONING CLASSIFICATION: **“A” Agricultural District & “B-1”
Neighborhood Business District.**

REQUESTED ZONING CLASSIFICATION: **“R-1” Single-Family Residence District, a
variance to allow the front yard setback to be
approximately 17 feet instead of the required
30 feet for the accessory structure, and a
variance to allow an accessory structure
within the required front yard.**

AREA: **1.41 acres**

COMMENTS: **None**

OBJECTORS: **None**


PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The purpose
of this request is to remove the split
zoning so the entire parcel will be
zoned R-1 and to bring the
preexisting accessory structure into
compliance by granting front yard
variances. The LESA score of 120
indicates the property is suitable for
non-agricultural development. The
area has a trend toward residential
with the City of Springfield
corporate boundaries being located
near the subject property. The
accessory structure requiring the
variance requests currently is in
compliance with the B-1 district
regulations. By re-zoning the entire
subject property to R-1, the
variances for the accessory structure
in the front yard are necessary to
bring the preexisting building into**

9-6

**compliance with the R-1 regulations.
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: 2017-010
Ellen Mahan)	
)	PROPERTY LOCATED AT:
)	220 N. Koke Mill Road
)	Springfield, IL 62711

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 **March 16, 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: **220 N. Koke Mill Road, Springfield, IL 62711** and more particularly described as:

See Exhibit A

9-8

Page 2

3. That the present zoning of said property is **“A” Agricultural District & “B-1” Neighborhood Business District.**
4. That the present land use of said property is **single-family residence and beauty salon.**
5. That the proposed land use of said property is **single-family residence and accessory structure.**
6. That the requested **rezoning and variances** of said property are **for a rezoning from “A” Agricultural District and “B-1” Neighborhood Business District to “R-1” Single-Family Residence District, (a) a variance to allow the front yard setback to be approximately seventeen (17) feet instead of the required thirty (30) feet for the accessory structure, and (b) a variance to allow an accessory structure within the required front yard.**
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.**

CHAIRMAN

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 petition be **approved** which was duly seconded by **Tony Mares**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Merilyn Herbert**

NO:

PRESENT:

ABSENT: **Andrew Spiro**


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-010**

Address: **220 N. Koke Mill Road, Springfield**

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

North, East, South, & West – Residential.

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

North & South – Agricultural. East – Agricultural & City R-1. West – Agricultural, R-1, & City R-3(b).

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

The subject property contains split zoning with the Agricultural district over the area with the residence and the B-1 district over the area with the beauty salon. The LESA score of 120 indicates the property is suitable for non-agricultural development.

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

The area has a trend toward residential with the City of Springfield corporate boundaries being located near the subject property. In 1977, R-1 was granted for property northwest of the subject property. In 1981, variances were granted for property south of the subject property. In 1986, 1987, and 1993, variances were granted for property north of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2017-010**

Address: **220 N. Koke Mill 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 bank is requiring the owner to rezone the property to R-1 thus eliminating the two zoning classifications. Once the property is rezoned to R-1, the accessory structure that was constructed in accordance with B-1 regulations is no longer in compliance with the ordinance. Requiring the owner to remove the structure would result in an economic hardship reducing the yield of reasonable return on the property.

- (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 accessory structure requiring the variance requests currently is in compliance with the B-1 district regulations. By re-zoning the entire subject property to R-1, the variances for the accessory structure in the front yard are necessary to bring the preexisting building into compliance with the R-1 regulations.

- (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 variances.

912

Parcel # 13-25-426-029

Zoning Case # 2017-010

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	0
50-74%	5	
Under 50%	0	
<u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u>		
90% or more	20	
75-89%	10	0
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	
50-74%	5	0
Under 50%	0	
<u>COUNTY SECTOR</u>		
Rural	20	
0.5 mile from incorporated area	10	10
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	10

16'-18' pavement, 40' ROW	15	
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	0
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	45
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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	Viriden	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	41	75	31
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	59	74	44
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			

9-15

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	75
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GRAND TOTAL	120
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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.