

CASE # 2008-72 3-1
RESOLUTION NUMBER

GRANTING A REZONING
FOR CERTAIN PROPERTY LOCATED AT
8190 E. STATE RT. 54, RIVERTON
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 to** the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Timothy A. Brown**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "B3" General Business District to allow for a tree service**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 18, 2008**, 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

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

FILED
DEC 23 2008
Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 12th day of January, 2008 that the request to rezone the above described property from "A" Agricultural District to "B3" General Business District to allow for a tree service is hereby approved.

Signed and passed by the Sangamon County Board in session on this 12th day of January, 2008.

Respectfully submitted,

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

Tim Moore *TM*
TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JENNIFER DILLMAN

DAVID MENDENHALL

GEORGE PRECKWINKLE

SAM SNELL

DON STEPHENS

LINDA DOUGLAS WILLIAMS

ATTEST:

Joe DiIullo
SANGAMON COUNTY CLERK

A. Sam Steiner
COUNTY BOARD CHAIRMAN

EXHIBIT A

The following described real estate slated In Sangamon County, Illinois:
Part of the Northwest Quarter of Section 36, Township 17 North, Range 4 West of the 3 P M ,Sangamon County, Illinois, described as follows Commencing at a stone at the center of Section 38, thence South 90 degrees 00 minutes 00 seconds West 1189 19 feet to an Iron pin at the point of beginning, thence South 90 degrees 00 minutes 00 seconds West 233.90 feet to an iron pin; thence North 00 degrees 00 minutes 00 seconds West 193.61 feet to an iron pin; thence South 90 degrees 00 minutes 00 seconds West 105.00 foot to an iron pipe; thence North 00 degrees 00 minutes 00 seconds West 408.00 feet to an iron pipe; thence along the Southeasterly Right-of-way line of Illinois Route 54, North 53 degrees 15 minutes 18 seconds East 250.00 feet to an iron pin; thence South 00 degrees 00 minutes 00 seconds East 6240 feat to an Iron pin, thence North 53 degrees 15 minutes 18 seconds East 172.92 feet to an Iron pin; thence South 00 degrees 00 minutes 00 seconds East 792.23 feet to the point of beginning, containing 500 acres, more or less.

54

07-36
505-002

2008-72 Brown
07-36 100-065
8190 E St. Rt. 54

07-36
100-046

07-36
100-063

07-36
100-048

07-36
100-069

11 54

07-36
100-002

07-36
100-065

07-36
100-025

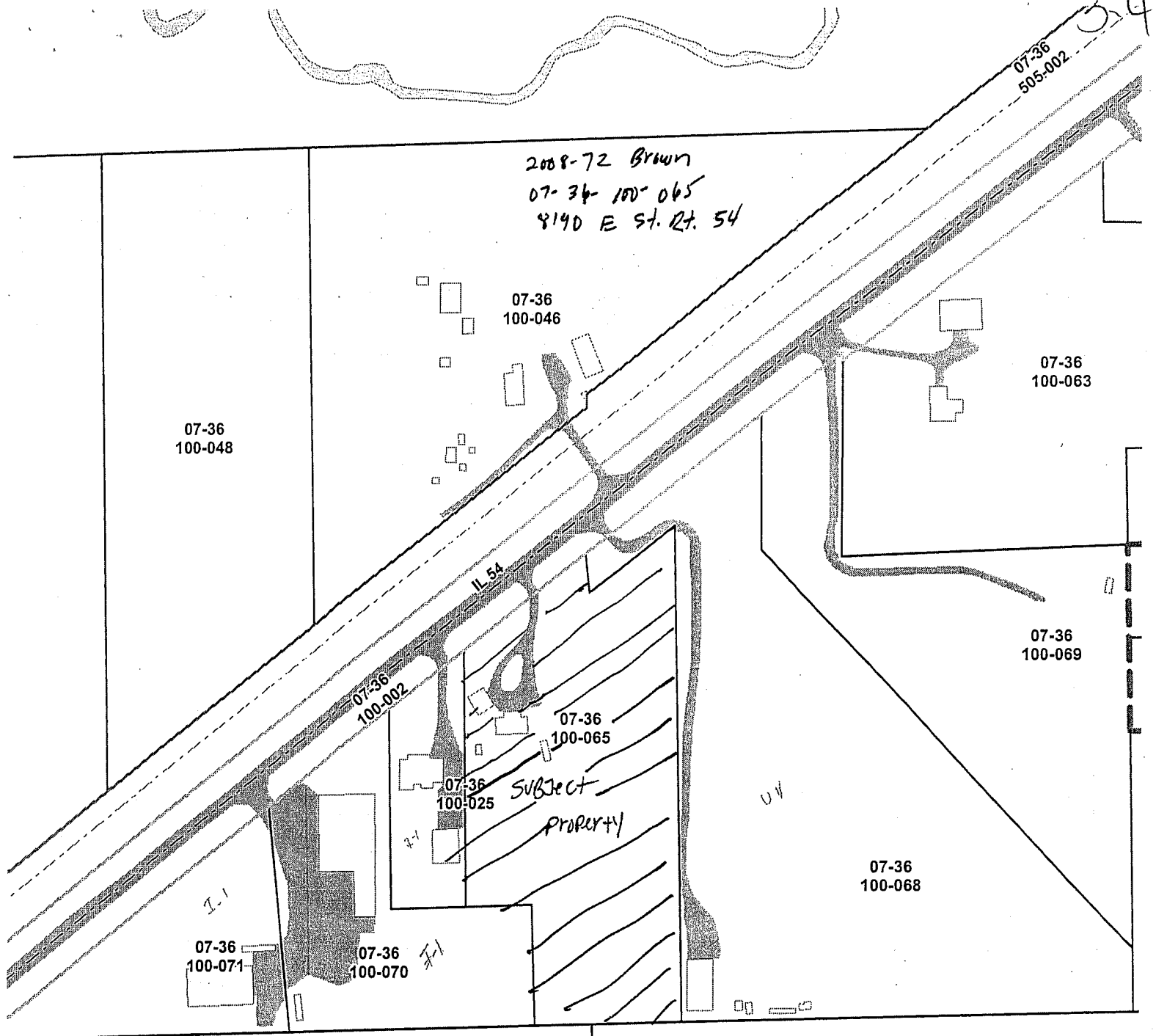
SUBJECT
PROPERTY

UW

07-36
100-068

07-36
100-071

07-36
100-070



RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2008-72

ADDRESS: 8190 E. State Rt. 54, Riverton, IL 62561

PETITIONER: Timothy A. Brown.

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "B3" General Business District

AREA: 5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval for B-3 zoning. In 1999, property adjacent to the east was denied B-3 zoning and approved for a use variance to allow for an electrical contractor. While the Regional planning Commission had recommended approval of this requested B-3 zoning, there was a concern with the property to the west, which is now the subject property. Due to the trend in the area, the requested B-3 zoning is seen as appropriate.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2008-72
Timothy A. Brown)	
)	PROPERTY LOCATED AT:
)	8190 E. State Rt. 54
)	Riverton, IL 62561
)	

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** 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 18, 2008** 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 **8190 E. State Rt. 54, Riverton, IL 62561** 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 **Single family residence and a tree service.**
- 5. That the proposed land use of said property is **existing uses to continue.**
- 6. That the requested **rezoning** of said property is from "A" Agricultural District to "B3" General Business District to allow for a tree service.
- 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** 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** be **approved**.

Charles Chimento
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 **Byron Deaner**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor

NO:

ABSENT:

R. Damstra
RECORDING SECRETARY

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 12/3/08 by MB & AJ)

SANGAMON COUNTY ZONING CASE # 2008-72

ADDRESS 8190 E. State Rt. 54

Property Index # 07-36-100-065

PETITIONER Brown, Timothy A.

REQUESTED ZONING B-3

PROPOSED LAND USE Single family residence and tree service.

EXISTING:

ZONING A

LAND USE Single family residence and tree service.

ROAD FRONTAGE E. State Rt. 54 - 260' CONDITION OF PAVEMENT Good.

STRUCTURE DESIGNED FOR Residence

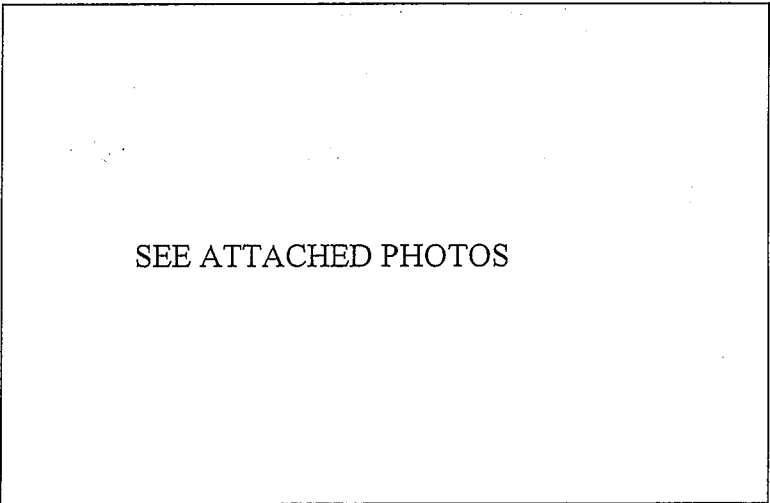
CONDITION OF STRUCTURE Good

LOT AREA 5 acres

FRONT YARD 163'

SIDE YARDS 50' / 237'

REAR YARD 450'



Would the proposed zoning be spot zoning? Yes

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval of B-3 zoning. In 1999, property adjacent to the east was denied B-3 zoning and approved for a use variance to allow for an electrical contractor. While the Regional Planning Commission had recommended approval of this requested B-3 zoning, there was a concern with the property to the west, which is now the subject property. Due to the trend in the area, the requested B-3 zoning is seen as appropriate.

Case #: 2008-72

Address: 8190 E. State Rt. 54



8190 E. State Rt. 54



8190 E. State Rt. 54

County Zoning

Case# 2008-72

Requested:
B-3

Auto Repair Shop

Single Family Residence

Electrical Contractor



Cropland

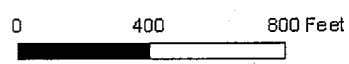
County Zoning

City Zoning

	RM-4		I1
	R3		I2
	R2		B3
	R1a		B2
	R1		B1
	OFF		A

	R5		H1		OFF
	R1		H2		PUD
	R2		H3		B1
	R3a		S1		B2
	R3b		S2		I1
	R4		S3		I2

SSC
RPC
Springfield Engineers & Constructors
Regional Planning Commission



**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: 2008-072

Address: 8190 E. State Rt. 54

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

To the north is a single family residence and timber. To the east is an electrical contractor. To the south is cropland. To the west is an auto repair shop.

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

To the north, east and south is agricultural zoning. To the west is I-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 156 indicates the property is considered marginal requiring mitigating factors for non-agricultural development.

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

In 1994, property immediately west of the subject property was rezoned to I-1 with a CPU to allow an auto repair shop with spray painting. Another property adjacent to the west was rezoned to I-1 in 1992. Property to the east was denied rezoning from A to B-3 and approved for a use variance to allow for an electrical contractor shop and office. Property further west was rezoned to I-1 in 1977.

312

Parcel # 07-36-100-065

Zoning Case # 2008-072

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	5
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	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	5
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	
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	15
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	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	10	100	10
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	40	87	35
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		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	Oscos	I	2	74	1
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	45	74	33
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I	3	74	2
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				

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	81
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GRAND TOTAL	156
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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.