

CASE# 2013-006
RESOLUTION NUMBER 1-1

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
6271 LOAMI-BATES RD., LOAMI
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:

The Northeast Quarter of the Northwest Quarter of Section 35, Township 15 North, Range 7 West of the Third Principal Meridian.

WHEREAS, the Petitioner, **Bryon Muench**, has petitioned the Sangamon County Board for proposed Parcel 1 a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel 2: a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width and a variance to allow one (1) parcel less than forty (40) acres to allow for approximately one (1) acre to be divided off the existing thirty-six (36) acre parcel; and

WHEREAS, a public hearing was held at the Sangamon County Building on **February 21, 2013** 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

FEB 22 2013


Joe Aiello
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 5th day of March, 2013 that the request for proposed Parcel 1 a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel 2: a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width and a variance to allow one (1) parcel less than forty (40) acres to allow for approximately one (1) acre to be divided off the existing thirty-six (36) acre parcel on the above referenced parcel is hereby approved.

Signed and passed by the Sangamon County Board in session on this 5th day of March, 2013.

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



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: #7 NAME: Craig Hall

DOCKET NUMBER: 2013-006

ADDRESS: 6271 Loami-Bates Rd., Loami, IL. 62661

PETITIONER: Byron Muench

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single-Family Residence District with a variance to allow the lot depth to exceed two and one-half (2 1/2) times the lot width for one (1) parcel and a variance to allow one parcel less than forty (40) acres.

AREA: 36.5 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: Approval of the requested R-1 zoning. The Land Evaluation and Site Assessment score of 155 indicates the property is considered marginal requiring mitigating factors for non-agricultural development. The petitioner is requesting to demolish the existing single-family residence and building a new single-family residence and the financial institution is requiring division of the property for mortgage purposes. No negative impacts are anticipated in allowing the division.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION:

Cyndi Knowles
RECORDING SECRETARY

Approval of staff recommendation.

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2013-006
Bryon Muench)	
)	PROPERTY LOCATED AT:
)	6271 Loami-Bates Rd.
)	Loami, IL. 62661

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 **February 21, 2013** 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: **6271 Loami-Bates Rd., Loami, IL.** and more particularly described as:

The Northeast Quarter of the Northwest Quarter of Section 35, Township 15 North, Range 7 West of the Third Principal Meridian.

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, outbuildings and pasture.
5. That the proposed land use of said property is a single-family residence, outbuildings and pasture.
6. That the requested rezoning and variances of said property are for proposed Parcel 1 a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District. For proposed Parcel 2: a variance to allow the lot depth to exceed two and one-half (2 1/2) times the lot width and a variance to allow one (1) parcel less than forty (40) acres to allow for approximately one (1) acre to be divided off the existing thirty-six (36) acre parcel.
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.

Charles Chimento/cx
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 as staff recommended**, which was duly seconded by **Peggy Egizii**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Peggy Egizii, Don Wulf, Judith Johnson

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-006

Address: 6211 Loami-Bates Road, Loami

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 request is made to facilitate division of the property in order to build a new single-family residence in place of the existing single-family residence, which will add value to 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 petitioner is requesting to remove the existing single-family residence and construct a new single-family residence. The financial institution is requiring a one acre division to proceed with the lending process.

- (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.

There is no negative impact anticipated in allowing the requested division.

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2013-006

Address: 6211 Loami-Bates Road, Loami

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

The property is surrounded by cropland.

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

The property is surrounded by Agricultural zoning.

- (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 155 indicates the property is deemed marginal requiring mitigating factors for non-agricultural development. The petitioner is requesting to remove the existing residence and build a new single-family residence and the financial institution is requiring division of the property.

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

The area has remained agricultural in character with some single-family residences built in the vicinity.

LAND EVALUATION AND SITE ASSESSMENT

Part 1: Site Assessment

Available
Points PointsAGRICULTURAL/RURAL LAND WITHIN .5 MILE

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

CONTIGUOUS AGRICULTURAL/RURAL LAND

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

PERCENTAGE OF SITE AGRICULTURAL/RURAL

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

COUNTY SECTOR

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

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

75% or more	20	
50-74%	10	10
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	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	
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	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		70
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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	15	100	15
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	50	87	44
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Oscos	P	30	87	26
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	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
280C2	Fayette	I	72
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		

112

Parcel # 20-35-100-003

Case # 2013-006 _____

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	85
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GRAND TOTAL	155
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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.