

CASE# 2018-017  
RESOLUTION NUMBER 2-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**7836 JOHNSON ROAD, ROCHESTER**  
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 variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **J & L Strawn Properties, LLC**, has petitioned the Sangamon County Board for a **variance to allow one (1) parcel less than forty (40) acres (approximately 18 acres)**; and,

WHEREAS, a public hearing was held at the Sangamon County Building on **July 19, 2018** 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 variance**; and,

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 **14<sup>th</sup> Day of August, 2018** that the request for a variance to

**FILED**

JUL 25 2018

*Don H. Key*  
Sangamon County Clerk

allow one (1) parcel less than forty (40) acres (approximately 18 acres) on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14<sup>th</sup> day of August, 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

**EXHIBIT A**

PART OF THE SOUTHWEST QUARTER OF SECTION 35 AND PART OF THE SOUTHEAST QUARTER OF SECTION 35, IN TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN AT THE SOUTH QUARTER CORNER OF SECTION 35; THENCE NORTH 0 DEGREES 00 MINUTES 57 SECONDS WEST 200.00 FEET TO AN IRON PIN AT THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 00 MINUTES 57 SECONDS WEST 90.14 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 46 MINUTES 05 SECONDS WEST 657.35 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 00 MINUTES 31 SECONDS EAST 372.45 FEET TO AN IRON PIN; THENCE SOUTH 88 DEGREES 44 MINUTES 32 SECONDS EAST 657.20 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 00 MINUTES 57 SECONDS WEST 902.82 FEET TO AN IRON PIN; THENCE SOUTH 87 DEGREES 16 MINUTES 02 SECONDS EAST 1,167.87 FEET TO AN IRON PIN IN THE CENTERLINE OF JOHNSON ROAD; THENCE SOUTH 14 DEGREES 49 MINUTES 31 SECONDS EAST 1,571.98 FEET; THENCE NORTH 88 DEGREES 09 MINUTES 59 SECONDS WEST 979.08 FEET TO AN IRON PIN; THENCE NORTH 160.00 FEET TO AN IRON PIN; THENCE NORTH 88 DEGREES 09 MINUTES 59 SECONDS WEST 590.12 FEET TO THE POINT OF BEGINNING, CONTAINING 51.00 ACRES, MORE OR LESS.

EXCEPT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND IRON PIN MARKING THE SOUTH EAST CORNER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER, THENCE NORTH 00 DEGREES 55 MINUTES 04 SECONDS WEST ON THE EAST LINE OF SAID SOUTHWEST QUARTER, 290.06 FEET TO A FOUND IRON PIN MARKING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE NORTH 89 DEGREES 39 MINUTES 08 SECONDS WEST, 657.35 FEET TO A FOUND IRON PIN; THENCE NORTH 00 DEGREES 53 MINUTES 09 SECONDS WEST, 372.40 FEET TO A FOUND IRON PIN; THENCE SOUTH 89 DEGREES 37 MINUTES 17 SECONDS EAST, 657.15 FEET TO A SET IRON PIN ON THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 55 MINUTES 04 SECONDS EAST ON SAID EAST LINE, 372.16 FEET TO THE POINT OF BEGINNING, CONTAINING 5.615 ACRES MORE OR LESS, ALL AS PER SURVEY IN MARCH OF 2012 OF HANS B. DISTLEHORST, ILLINOIS PROFESSIONAL LAND SURVEYOR #035-3271.

PARCEL NUMBER: 23-35.0-400-008.

**RECAP**

(For County Board Use)

COUNTY BOARD MEMBER: #9 NAME: Tom Madonia, Jr.

DOCKET NUMBER: 2018-017

ADDRESS: 7836 Johnson Road, Rochester, IL 62563

PETITIONER: J & L Strawn Properties, LLC

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: R-1 Single-Family Residence District, a variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the R-1 Single-Family Residence District.**

**Proposed Parcel 2: A variance to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and a variance to allow one (1) parcel less than forty (40) acres (approximately 6 acres).**

**Proposed Parcel 3: A variance to allow one (1) parcel less than forty (40) acres (approximately 25 acres).**

The petitioner amended the petition to only request a variance to allow one (1) parcel less than forty (40) acres (approximately 18 acres).

AREA: 43.39 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION  
RECOMMENDATION:

**Recommend denial. The LESA score of 204 indicates the subject property is suitable for agricultural use only. The character of the area is cropland and timber with very few single-family residences on large parcels. The petitioner's request to divide the**

subject property into 3 lots with variances is less than the previously requested 6 lots with variances; however, this does not negate the fact that the subject property has a LESA score of 204 and is under active cropland production. Additionally, no unique circumstances applicable to the subject property were presented to justify the requested variances. The Standards for Variation are not met.

**AMENDED:** Recommend approval of the variance to create one (1) parcel less than forty (40) acres (approximately 18 acres). The petitioner amended the petition in order to divide off and sell the northern 25 acres to the neighbor to the west, leaving an 18 acre remainder. The petitioner withdrew the request for R-1 and as such the LESA score was no longer applicable. The variances to allow the lot depth to be greater than two and one-half (2.5) times the lot width, and to allow an accessory structure to be approximately twenty-four (24) feet instead of the maximum height of eighteen (18) feet allowed in the R-1 Single-Family Residence District were also withdrawn. The owner submitted a new site plan and provided evidence that no change in land use is contemplated and the number of parcels available to build a residential structure will not increase. The Standards for Variation are met.

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION:

**Approval of Amended Staff  
Recommendation.**

  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF: )	DOCKET NO: <b>2018-017</b>
<b>J &amp; L Strawn Properties, LLC</b> )	
)	PROPERTY LOCATED AT:
)	<b>7836 Johnson Road</b>
)	<b>Rochester, IL 62563</b>

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 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 **July 19, 2018** 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:

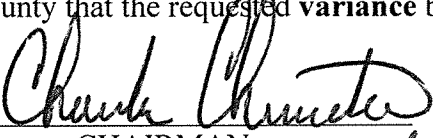
1. That said Board has jurisdiction to consider the petition filed herein.
2. That the above-captioned petitioner(s) is the owner(s) and/or has a beneficial interest in, contract to purchase, or is the County Board Member representing the property commonly known as: **7836 Johnson Road, Rochester, IL 62563** 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 **cropland.**
- 5. That the proposed land use of said property is **cropland.**
- 6. That the requested **variance** of said property is **for a variance to allow one (1) parcel less than forty (40) acres (approximately 18 acres).**
- 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 **variance** 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 **variance** be **approved.**

  
 CHAIRMAN 460

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 as amended be **approved** which was duly seconded by **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Charlie Chimento, Tony Mares, Don Wulf, Andrew Spiro, Gina Lathan**

NO:

PRESENT:

ABSENT:

  
RECORDING SECRETARY



**SANGAMON COUNTY  
RECOMMENDED - FINDINGS OF FACT**

**(NOTE: These findings are no longer applicable because the petitioner removed the request from the petition.)**

Case #: **2018-017**

Address: **7836 Johnson Road, Rochester**

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

**North & East – Cropland. South – Residence, church, and cropland. West – Cropland, timber, & residence.**

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

**North, East, South, & West – Agricultural.**

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

**The LESA score of 204 indicates the subject property is suitable for agricultural use only. A single-family residence with an accessory structure is a permitted use in the Agricultural District.**

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

**In Zoning Case #2017-058, the petitioner requested R-1 with variances for the lot depth to exceed 2.5 times the lot width for 6 proposed residential lots in which staff recommended denial of the petition with ZBA concurring with staff. The petitioner then withdrew the request prior to the County Board meeting and has now brought forth the current request. Property 0.5 mile north of the subject property was rezoned R-1 in Zoning Case # 2015-043. The nearest residential subdivision is 2/3 of a mile away.**

**AMENDED**  
**SANGAMON COUNTY**  
**RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2018-017**

Address: **7836 Johnson Road, Rochester**

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 is over 40 acres in the Agricultural District and can continue to be used economically as cropland in compliance with the ordinance.**

**AMENDED: The variance is requested in order to divide off and sell the northern 25 acres to the neighbor to the west, leaving an 18 acre remainder, which is less than the 40 acre minimum required in the Agricultural District. The property will remain in cropland.**

- (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 LESA score is 204 and the property is flat with no topographic variations. No unique circumstances applicable to the subject property were presented to justify the requested variances.**

**AMENDED: No change in land use is contemplated and the number of parcels available to build a residential structure will not increase.**

- (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.

**The character of the area is cropland and timber with very few single-family residences on large parcels. In Zoning Case #2017-058, the petitioner requested R-1 with variances for the lot depth to exceed 2.5 times the lot width for 6 proposed residential lots in which staff recommended denial of the petition with ZBA concurring with staff. The petitioner then withdrew the request prior to the County Board meeting and has now brought forth the current request. The petitioner's request to divide the subject property into 3 lots with variances is less than the previously requested 6 lots with variances; however, this does not negate the fact that the subject property has a LESA score of 204 and is under active cropland production.**

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**AMENDED: Negative impacts are not anticipated.**

2.12

Parcel # 23-35-400-008

Zoning Case # 2018-017

**LAND EVALUATION AND SITE ASSESSMENT**

**Part 1: Site Assessment**

	Available Points	Points
<b><u>AGRICULTURAL/RURAL LAND WITHIN .5 MILE</u></b>		
90% or more	20	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>CONTIGUOUS AGRICULTURAL/RURAL LAND</u></b>		
<b>90% or more</b>	<b>20</b>	
75-89%	10	<b>20</b>
50-74%	5	
Under 50%	0	
<b><u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u></b>		
<b>75-100%</b>	<b>10</b>	
50-74%	5	<b>10</b>
Under 50%	0	
<b><u>COUNTY SECTOR</u></b>		
<b>Rural</b>	<b>20</b>	
0.5 mile from incorporated area	10	<b>20</b>
Incorporated area	0	
<b><u>SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL</u></b>		
<b>75% or more</b>	<b>20</b>	
50-74%	10	<b>20</b>
25-49%	5	
Less than 25% or sewer available	0	
<b><u>ENVIRONMENTAL IMPACT OF PROPOSED USE</u></b>		
Negative impact	15	
Little or none with protective measures	5	<b>0</b>
<b>Little or none</b>	<b>0</b>	
<b><u>IMPACT ON UNIQUE HISTORICAL/CULTURAL FEATURES</u></b>		
Negative impact	10	
<b>No impact</b>	<b>0</b>	<b>0</b>

CONDITION OF ROAD

unpaved, <40' ROW, or < 16' pavement	20	
16'-18' pavement, 40' ROW	15	
<b>18'-20' pavement, 40' ROW</b>	<b>10</b>	<b>10</b>
> 20' pavement, 40' ROW or County or State Highway	0	

AVAILABILITY OF PUBLIC SEWER

<b>Not available</b>	<b>15</b>	
Sewer over 600'-1200' away	8	
Private central sewage system	5	
Sewer 600' or less away and available	0	<b>15</b>

AVAILABILITY OF PUBLIC WATER

Not available	20	
1,000-1,500' away	15	
Less than 1,000' away	5	
<b>Public water available at site</b>	<b>0</b>	<b>0</b>

DISTANCE FROM RESPONDING FIREHOUSE

Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	
<b>2.6-5 miles</b>	<b>5</b>	<b>5</b>
0-2.5 miles	0	

DRIVING TIME TO HIGH SCHOOL

Over 30 minutes	10	
15-30 minutes	5	
<b>Less than 15 minutes</b>	<b>0</b>	<b>0</b>

**SITE ASSESSMENT TOTAL****120**

**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	<b>21</b>	98	<b>21</b>
68A	Sable	P2	<b>5</b>	87	<b>4</b>
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		87	
134A	Camden	P		87	
17A	Keomah	P2	<b>54</b>	87	<b>47</b>
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	<b>16</b>	75	<b>12</b>
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		74	
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		

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

<b>AGRICULTURAL LAND EVALUATION TOTAL</b>	<b>84</b>
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<b>GRAND TOTAL</b>	<b>204</b>
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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.