

CASE# 2017-013 7-1
RESOLUTION NUMBER _____

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3451 PET CEMETERY 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, **Jorge & Nancy Fahrenbacher**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; and, for Proposed Parcel 2: (a) a variance to allow one (1) parcel less than forty (40) acres, and (b) a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 20, 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

APR 27 2017

Don King
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th Day of May, 2017 that the request for Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; and, for Proposed Parcel 2: (a) a variance to allow one (1) parcel less than forty (40) acres, and (b) a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of May, 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 RATTTS

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 SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 16 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT A RIVET HEAD MARKING THE SOUTH ONE QUARTER CORNER OF THE AFOREMENTIONED SECTION 30; THENCE NORTH 00 DEGREES, 42 MINUTES, 52 SECONDS WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 1327.60 FEET; THENCE SOUTH 59 DEGREES 00 MINUTES 47 SECONDS WEST, A DISTANCE OF 533.37 FEET TO A POINT IN THE CENTERLINE OF S.B.I. ROUTE 10, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 69 DEGREES 51 MINUTES 28 SECONDS EAST ALONG THE RIGH-OF-WAY LINE OF F.A. ROUTE 49 TO A DISTANCE OF 188.11 FEET TO AN IRON PIPE, SAID PIPE MARKS THE BEGINNING OF A 1050.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 68 DEGREES 47 MINUTES 48 SECONDS EAST; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY CURVE THROUGH A CENTRAL ANGLE OF 17 DEGREES 56 MINUTES 13.6 SECONDS A DISTANCE FOF 328.71 FEET TO AN IRON PIPE; THENCE SOUTH 19 DEGREES 45 MINUTES 47 SECONDS WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF F.A. ROUTE 49 A DISTANCE OF 142.13 FEET TO AN IRON PIPE; THENCE SOUTH 00 DEGREES 13 MINUTES 54 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 138.57 FEET TO AN IRON PIN; THENCE NORTH 46 DEGREES 42 MINUTES 40 SECONDS WEST A DISTANCE OF 616.52 FEET TO A POINT IN THE CENTERLINE OF S.B.I. ROUTE 10; THENCE NORTH 59 DEGREES 00 MINUTES 47 SECONDS EAST ALONG SAID CENTERLINE A DISTANCE OF 455.10 FEET TO THE TRUE POINT OF BEGINNING.

BASIS OF BEARING IS NORTH 00 DEGREES 42 MINUTES 52 SECONDS WEST ALONG THE QUARTER SECTION LINE.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2017-013

ADDRESS: 3451 Pet Cemetery Road, Springfield, IL 62707

PETITIONER: Jorge & Nancy Fahrenbacher

PRESENT ZONING CLASSIFICATION: "A" Agricultural District with a Conditional Permitted Use (CPU) for a pet cemetery.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1: "R-1" Single-Family Residence District.**
Proposed Parcel 2: A variance to allow one (1) parcel less than forty (40) acres (approximately 0.5 acres), and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

AREA: 4.21 acres


COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The LESA score of 164 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property contains a pet cemetery, is surrounded by other single-family residences, and contains a large area of timber, which all make it unlikely to be economically converted to cropland. The bank would not finance construction of a single-family residence on a parcel that already contains a pet cemetery, which has been located on the property for over 35 years. The Standards for Variation are met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION: **Approval of Staff Recommendation.**

76


RECORDING SECRETARY

27

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2017-013**
Jorge & Nancy Fahrenbacher)
))
)) PROPERTY LOCATED AT:
)) **3451 Pet Cemetery Road**
)) **Springfield, IL 62707**

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 **April 20, 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: **3451 Pet Cemetery Road, Springfield, IL 62707** and more particularly described as:

See Exhibit A

Page 2

- 3. That the present zoning of said property is **“A” Agricultural District with a Conditional Permitted Use (CPU) for a pet cemetery.**
- 4. That the present land use of said property is **vacant land and pet cemetery.**
- 5. That the proposed land use of said property is **a single-family residence and pet cemetery.**
- 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; and, for Proposed Parcel 2: (a) a variance to allow one (1) parcel less than forty (40) acres, and (b) a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width.**
- 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 FD

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Andrew Spiro**, 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Tony Mares, Don Wulf, Andrew Spiro, Larry Beaty**

NO:

PRESENT:

ABSENT:


RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2017-013**

Address: **3451 Pet Cemetery Road, Springfield**

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

North, West, & East – Single-family residential and cropland. South – Cropland and sewage treatment plant.

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

North, East, & South – Agricultural. West – B-3.

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

The LESA score of 164 indicates the property is marginal requiring mitigating factors for non-agricultural development. In this case, the subject property contains a pet cemetery, is surrounded by other single-family residences, and contains a large area of timber, which all make it unlikely to be economically converted to cropland.

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

The area appears to have a trend towards rural residential development. In 1981, a CPU for a pet cemetery was granted on the subject property. In 2013, I-1 was denied and a use variance was granted to allow two uses on one parcel east of the subject property. In 1993, a variance was granted to allow two dwelling units on one parcel south of the subject property. In 1988, a variance was denied for two dwelling units on one parcel east of the subject property. In 1983, I-1 with a CPU for auto body repair was granted for property northeast of the subject property.

7-11

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2017-013

Address: 3451 Pet Cemetery 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 owner may currently construct a single-family residence on the subject property; however, the bank would not finance construction of a single-family residence on a parcel that already contains a pet cemetery, which has been located on the property for over 35 years.

- (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 relatively small size of the property, the timber, and the pet cemetery combined are unique circumstances to allow splitting off the pet cemetery for it to have access separate from the single-family residence.

- (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.

Parcel # 15-30-376-002 & 15-30-376-004

Zoning Case # 2017-013

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	20
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	10
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	20
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	0

No impact	0	
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<u>CONDITION OF ROAD</u>		
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	20
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	5
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	100
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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	Osco	P	8	87	7
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	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	77	74	57
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

AGRICULTURAL LAND EVALUATION TOTAL	64
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GRAND TOTAL	164
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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.