

MAY 29 2019

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
12275 STATE RT. 125, PLEASANT PLAINS
SANGAMON COUNTY, ILLINOIS


Sangamon County Clerk

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, **Nino & Jennifer Gasparini**, have petitioned the Sangamon County Board for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 16 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **May 16, 2019** 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this **11th Day of June, 2019** that the requests for **Proposed Parcel 1: a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District, and a variance to allow the lot**

depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 16 acres) on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of June, 2019.

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 RATTIS

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 EAST HALF OF SECTION 4, TOWNSHIP 16 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT A STONE MARKING THE CENTER OF THE AFOREMENTIONED SECTION 4, THENCE NORTH 00 DEGREES 26 MINUTES 22 SECONDS WEST ALONG THE QUARTER SECTION LINE A DISTANCE OF 0.75 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 125 TO THE TRUE POINT OF BEGINNING, THENCE CONTINUING NORTH 00 DEGREES 26 MINUTES 22 SECONDS WEST ALONG THE QUARTER SECTION LINE, A DISTANCE OF 1552.58 FEET TO AN IRON PIPE, THENCE SOUTH 88 DEGREES 59 MINUTES 02 SECONDS EAST, A DISTANCE OF 152.37 FEET TO AN IRON PIPE, THENCE SOUTH 00 DEGREES 08 MINUTES, 44 SECONDS EAST A DISTANCE OF 684.01 FEET TO AN IRON PIPE; THENCE NORTH 84 DEGREES 01 MINUTES 01 SECONDS EAST A DISTANCE OF 329.31 FEET TO AN IRON PIPE; THENCE SOUTH 00 DEGREES 34 MINUTES 32 SECONDS EAST A DISTANCE OF 439.76 FEET TO AN IRON PIPE; THENCE SOUTH 21 DEGREES 31 MINUTES 09 SECONDS EAST, A DISTANCE OF 171.42 FEET TO AN IRON PIPE, THENCE NORTH 88 DEGREES 46 MINUTES 01 SECONDS EAST A DISTANCE OF 291.20 FEET TO AN IRON PIPE, THENCE NORTH 00 DEGREES 26 MINUTES 24 SECONDS EAST A DISTANCE OF 51.80 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 24 MINUTES 11 SECONDS EAST A DISTANCE OF 618.60 FEET TO AN IRON PIPE; THENCE SOUTH 00 DEGREES 12 MINUTES 25 SECONDS WEST , A DISTANCE OF 490.50 FEET TO AN IRON PIPE; THENCE SOUTH 83 DEGREES 43 MINUTES 40 SECONDS EAST A DISTANCE OF 25.00 FEET TO AN IRON PIPE, THENCE SOUTH 01 DEGREES 31 MINUTES 01 SECONDS WEST A DISTANCE OF 404.87 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 125, THENCE NORTH 70 DEGREES 15 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 410.66 FEET TO AN IRON PIPE, THENCE NORTH 69 DEGREES 03 MINUTES 21 SECONDS WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 357.26 FEET; THENCE NORTH 70 DEGREES 15 MINUTES 36 SECONDS WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 748.73 FEET TO THE TRUE POINT OF BEGINNING. BASIS OF BEARING IS NORTH 00 DEGREES 26 MINUTES 22 SECONDS WEST ALONG THE QUARTER SECTION LINE.

SITUATED IN SANGAMON COUNTY, ILLINOIS.

PARCEL NUMBERS: 12-04.0-400-006 & 12-04.0-200-007

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: Tom Fraase, Jr.

DOCKET NUMBER: 2019-018

ADDRESS: 12275 State Rt. 125, Pleasant Plains, IL 62677

PETITIONER: Nino & Jennifer Gasparini

PRESENT ZONING CLASSIFICATION: "A" Agricultural District.

REQUESTED ZONING CLASSIFICATION: **Proposed Parcel 1:** "R-1" Single-Family Residence District and a variance to allow the lot depth to exceed two and one-half (2.5) times the lot width.

Proposed Parcel 2: A variance to allow one (1) parcel to be less than forty (40) acres (approximately 16 acres).

AREA: 28.6 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The petitioner is proposing to reconfigure the two parcels so parcel -007 will no longer be landlocked. While the LESA score of 197 indicates the property is suitable for agricultural use only, the subject property is not currently being used for cropland and it is highly unlikely the subject property could be economically converted to cropland due to the residence, varying topography, and timber on the subject property. Currently parcel -007 is landlocked and by allowing the variances the parcels could be reconfigured to provide road frontage for both parcels to yield a more reasonable return. 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: **2019-018**
Nino & Jennifer Gasparini)
))
)) PROPERTY LOCATED AT:
)) **12275 State Rt. 125**
)) **Pleasant Plains, IL 62677**

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 **May 16, 2019** 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: **12275 State Rt. 125, Pleasant Plains, IL 62677** 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 a **single-family residence, timber, and pasture**.
- 5. That the proposed land use of said property is a **single-family residence, timber, 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, and a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width; and, for Proposed Parcel 2: a variance to allow one (1) parcel less than forty (40) acres (approximately 16 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 **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

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Tony Mares**, 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 **Andrew Spiro**.

The vote of the Board was as follows:

YES: **Don Wulf, Andrew Spiro, Tony Mares, JD Sudeth**

NO:

PRESENT:

ABSENT: **Charlie Chimento**



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2019-018**

Address: **12275 State Route 125, Pleasant Plains**

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

**North & East – Cropland. South – Tree farm/residence and cemetery.
West – 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.

While the LESA score of 197 indicates the property is suitable for agricultural use only, the subject property is not currently being used for cropland and it is highly unlikely the subject property could be economically converted to cropland due to the residence, varying topography, and timber on the subject property.

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

The area has historically been mostly agricultural with some single-family residences. In 2019, B-1 was denied but a CPU for a banquet hall was granted along with variances for a sign and off-site parking, a paving variance was denied, and a CPU for a greenhouse was approved directly south of the subject property. In 2008, variances were approved to allow the lot area to be less than 40 acres, to allow the lot depth to exceed 2.5 times the lot width, and to allow the lot depth to be met at a distance greater than 60 feet from the road west of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2019-018**

Address: **12275 State Route 125, Pleasant Plains**

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.

Currently parcel -007 is landlocked and by allowing the variances the parcels could be reconfigured to provide road frontage for both parcels to yield a more reasonable return.

- (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.

Granting the requested variances will allow a reconfiguration of the two parcels so parcel -007 will no longer be landlocked.

- (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.

Negative impacts are not anticipated.

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	20
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	20
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	5
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	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	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		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		98	
68A	Sable	P2		87	
679B	Blackberry	P		87	
705B	Buckhart	P		87	
86B	Osco	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	15	75	11
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	1	75	1
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	18	74	13

567C2	Elkhart	I	9	74	7
134C2	Camden	I		74	
259C2	Assumption	I		74	
685C2	Middletown	I		74	
280D2	Fayette	I		74	
119D3	Elco	N		74	
259D2	Assumption	I	26	74	19
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	77
---	-----------

GRAND TOTAL	197
--------------------	------------

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.