

FILED

OCT 28 2005

Joe Aiello
Sangamon County Clerk

CASE # 2005-67
RESOLUTION NUMBER 2-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
9885 BOYD FARM 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, **Janet Easterday**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **October 20, 2005**, 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 **deny the rezoning but, in the alternative, grant a variance to create 2 lots less than 40 acres**; 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 8th day of November, 2005 that the request to rezone the above referenced property from "A" Agricultural District to "R-1" Single Family Residence District is denied but, in the alternative, a variance to create 2 lots less than 40 acres is hereby approved.

Signed and passed by the Sangamon County Board in session on this 8th day of November, 2005.

Respectfully submitted,

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

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE



TIM MOORE



DON STEPHENS

DAVID MENDENHALL

ATTEST:



SANGAMON COUNTY CLERK



COUNTY BOARD CHAIRMAN

EXHIBIT A

The Southeast Quarter of the Southeast Quarter of the Southeast Quarter of Section 6,
Township 14 North, Range 3 West of the Third Principal Meridian, in Sangamon County,
Illinois;

Subject to Right of way to Ashland Oil Company for pipe line dated March 23, 1965, and
recorded April 28, 1965, in Col. 592 at Page 204 as Document No. 308121 in the Recorder's
Office of Sangamon County, Illinois;

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS
▶ As Recommended by the Board of Appeals ◀**

Case #: 2005-67

Address: 9885 Boyd Farm Road

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.

- (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.

Circumstances are unique due to the fact that there are many homes in the area and the parcel is not tillable.

- (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.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2005-67

ADDRESS: 9885 Boyd Farm Rd., Rochester, IL. 62563

PETITIONER: Janet Easterday

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District

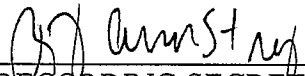
AREA: 10 acres

COMMENTS: none

OBJECTORS: none

PLANNING COMMISSION RECOMMENDATION: Denial. The Land Evaluation and Site Assessment score of 215 reflects the agricultural/rural character of the area and lack of infrastructure.

SANGAMON COUNTY BOARD OF APPEALS RECOMMENDATION: deny R-1 but grant a variance to create 2 lots less than 40 acres



RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: 2005-67
 Janet Easterday)
)
) PROPERTY LOCATED AT:
) 9885 Boyd Farm Rd.
) Rochester, IL. 62563
)

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 **October 20, 2005** 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 or contract to purchase the property commonly known as **9885 Boyd Farm Rd., Rochester, IL. 62563** 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.
- 5. That the proposed land use of said property is 2 Single Family Residences.
- 6. That the requested rezoning of said property is: from "A" Agricultural District to "R-1" Single Family Residence District.
- 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 not** 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 denied but, in the alternative, a variance to create 2 lots less than 40 acres be granted.

Charles Chimento
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers**, based on the attached findings to recommend to the County Board that the petition be **denied but, in the alternative, recommend a variance to create 2 lots less than 40 acres**, which was duly seconded by **Marvin Traylor**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Patrick Somers, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Peggy Egizii**

RD Armstrong
RECORDING SECRETARY

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CASE #: 2005-67

INDEX #: 31-06-400-012

ZONING AMENDMENT CHECK LIST

DATE: 10-5-05

INSPECTED BY: DK LW

PETITIONER: Easterday, Janet

ADDRESS: 9885 Boyd Farm Road TWP. 14N RANGE 3 W SEC. 6 ¼ SEC. SE
 (OR NEAREST IDENTIFIABLE ROAD) TWP. _____ RANGE _____ W SEC. _____ ¼ SEC. _____

CITY OR VILLAGE OR NEAREST ONE: Rochester

EXISTING ZONING: A PROPOSED ZONING: R-1

LAND AREA: 10 acres ROAD FRONTAGE: 645 Lineal Ft. ROAD COND: Fair
Jett Rd. - 675 Fair

EXISTING LAND USE: Single Family Residence

PROPOSED LAND USE: 2 Single Family Residences

TYPE OF STRUCTURE: Residential CONDITION OF STRUCTURE: Good

EXISTING YARDS: Front 250 ft. Side 220/350 ft. Rear 350 ft.

SPOT ZONING: X
 Yes No

- NEARBY LAND USE:
- a. To North Cropland
 - b. To South Cropland
 - c. To East Cropland, Single Family Residence
 - d. To West Single Family Residence

OTHER COMMENTS:

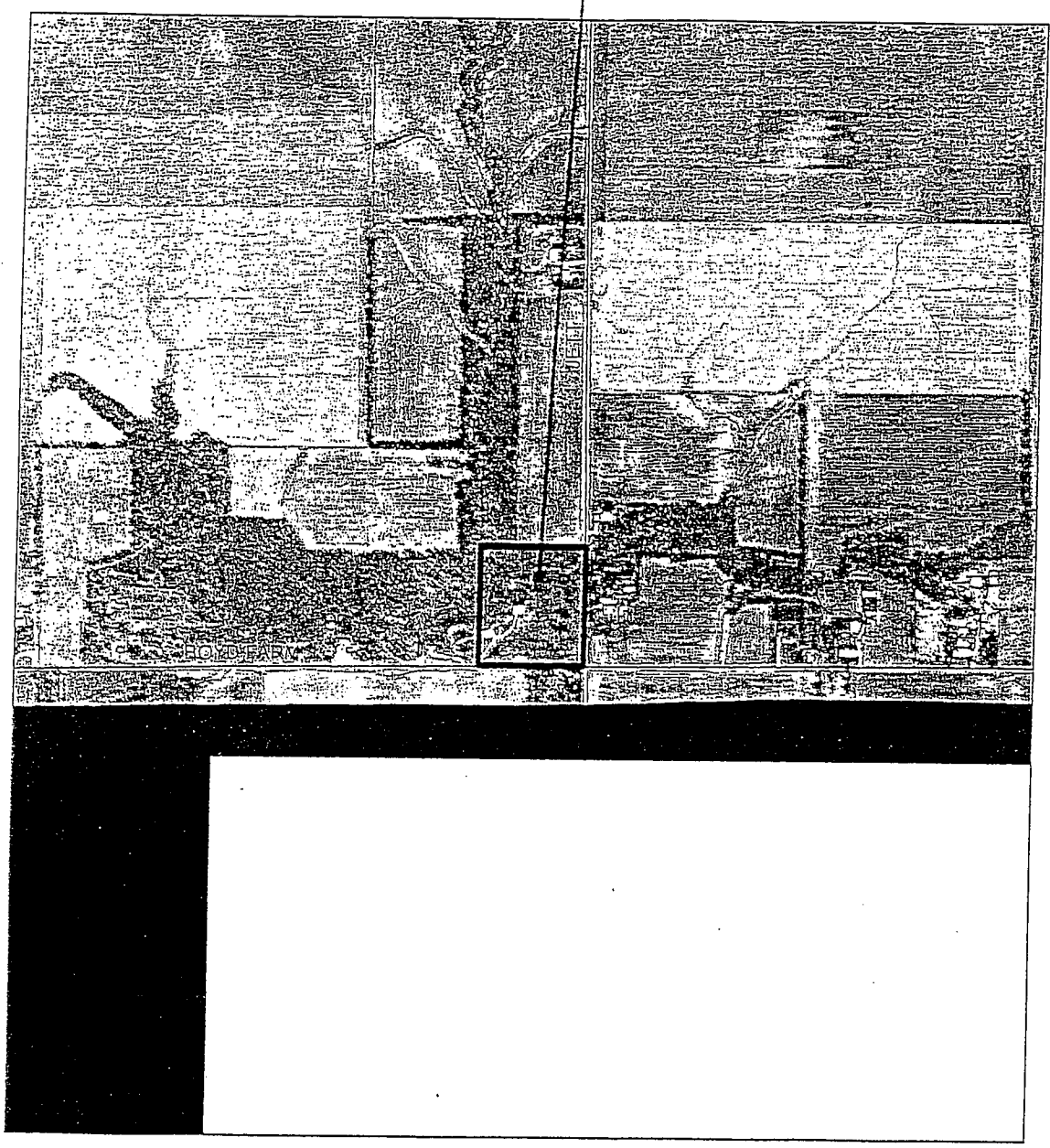
| Staff Estimate of the Effect of the Amendment on the Area | | None | Slight | Mod. | Great |
|---|--------------------|------|--------|------|-------|
| CONTRASTS: CURRENT VS. PROPOSED | land use | | X | | |
| | appearance | | X | | |
| | height | X | | | |
| | parking spaces | X | | | |
| PROBLEMS FORESEEN | drainage | X | | | |
| | sewer | | | X | |
| | traffic flow | X | | | |
| WILL USE INCREASE | pop. density | | X | | |
| | dwellings, density | | X | | |
| | school pop. | X | | | |
| | traffic volume | X | | | |



RECOMMENDATIONS: **Recommend denial.** The Land Evaluation and Site Assessment score of 215 reflects the agricultural/rural character of the area and lack of infrastructure.

County Zoning

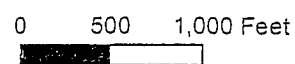
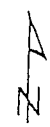
Case# 2005-067



County Zoning

City Zoning

| | | | | | | | | | |
|--|------|--|----|--|-----|--|----|--|-----|
| | RM-4 | | I1 | | R5 | | H1 | | OFF |
| | R3 | | I2 | | R1 | | H2 | | PUD |
| | R2 | | B3 | | R2 | | H3 | | B1 |
| | R1a | | B2 | | R3a | | S1 | | B2 |
| | R1 | | B1 | | R3b | | S2 | | I1 |
| | OFF | | A | | R4 | | S3 | | I2 |





RECOMMENDED FINDINGS OF FACT

Case #: 2005-67

Address: 9885 Boyd Farm Road

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

To the north, south and east is cropland. There is also a single family residence to the east and a residence to the west.

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

The area is zoned agricultural.

- (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 215 indicates the property is best suited for agricultural zoning.

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

There have been some residences constructed.

LAND EVALUATION AND SITE ASSESSMENT**Part 1: Site Assessment**

| | Available Points | Points |
|--|---------------------|--------|
|--|---------------------|--------|

AGRICULTURAL/RURAL LAND WITHIN .5 MILE

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

CONTIGUOUS AGRICULTURAL/RURAL LAND

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

PERCENTAGE OF SITE AGRICULTURAL/RURAL

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

COUNTY SECTOR

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

SOIL WITH SEVERE RESTRICTIONS FOR ON-SITE WASTE DISPOSAL

| | | |
|----------------------------------|----|-----------|
| 75% or more | 20 | 20 |
| 50-74% | 10 | |
| 25-49% | 5 | |
| Less than 25% or sewer available | 0 | |

ENVIRONMENTAL IMPACT OF PROPOSED USE

| | | |
|---|----|----------|
| Negative impact | 15 | 0 |
| Little or none with protective measures | 5 | |
| 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 | 15 |
| 16'-18' pavement, 40' ROW | 15 | |
| 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 | 15 |
| Sewer over 600'-1200' away | 8 | |
| 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 | 150 |
|------------------------------|------------|

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> |
|-------------|-------------|-------------|----------|-----------------------|---------------|
| 8D3 | Hickory | Important | | 55 | |
| 8E | Hickory | Important | | 55 | |
| 8E3 | Hickory | Non-prime | | 52 | |
| 8F | Hickory | Non-prime | | 0 | |
| 17 | Keomah | Prime | | 77 | |
| 19C2 | Sylvan | Important | | 72 | |
| 19D | Sylvan | Important | | 72 | |
| 19D3 | Sylvan | Important | | 55 | |
| 19E3 | Sylvan | Non-prime | | 52 | |
| 36A | Tama | Prime | | 100 | |
| 36B | Tama | Prime | | 95 | |
| 36C2 | Tama | Prime | | 90 | |
| 36D2 | Tama | Important | | 72 | |
| 43 | Ipava | Prime | | 100 | |
| 45 | Denny | Prime | | 77 | |
| 50 | Virden | Prime | | 87 | |
| 67 | Harpster | Prime | | 87 | |
| 68 | Sable | Prime | | 95 | |
| 73 | Ross | Prime | | 95 | |

| | | | | | |
|-------------|----------------|------------------|-----------|-----------|-----------|
| 74 | Radford | Prime* | | 87 | |
| 77 | Huntsville | Prime* | | 95 | |
| 107 | Sawmill | Prime* | | 87 | |
| 112 | Cowden | Prime | | 77 | |
| 119D | Elco | Important | 67 | 72 | 48 |
| 119D3 | Elco | Important | | 55 | |
| 119E3 | Elco | Non-prime | | 52 | |
| 131C | Alvin | Prime | | 77 | |
| 131D | Alvin | Prime | | 77 | |
| 131E2 | Alvin | Important | | 55 | |
| 134A | Camden | Prime | | 90 | |
| 134B | Camden | Prime | | 77 | |
| 134C2 | Camden | Important | | 72 | |
| 134D3 | Camden | Important | | 55 | |
| 138 | Shiloh | Prime | | 87 | |
| 198 | Elburn | Prime | | 100 | |
| 199A | Plano | Prime | | 95 | |
| 199B | Plano | Prime | | 90 | |
| 208 | Sexton | Prime | | 77 | |
| 212D3 | Thebes | Important | | 55 | |
| 242 | Kendall | Prime | | 77 | |
| 244 | Hartsburg | Prime | | 87 | |
| 249 | Edinburg | Prime | | 77 | |
| 259C | Assumption | Prime | | 77 | |
| 259D2 | Assumption | Important | | 72 | |
| 280B | Fayette | Prime | 22 | 77 | 17 |
| 280C2 | Fayette | Important | | 72 | |
| 280D2 | Fayette | Important | | 72 | |
| 280D3 | Fayette | Important | | 55 | |
| 284 | Tice | Prime* | | 90 | |
| 451 | Lawson | Prime* | | 95 | |
| 551F | Gosport | Non-prime | | 0 | |
| 567C | Elkhart | Prime | | 77 | |
| 567D2 | Elkhart | Important | | 72 | |
| 684B | Broadwell | Prime | | 87 | |
| 684C2 | Broadwell | Prime | | 77 | |
| 685B | Middletown | Prime | | 77 | |
| 685C2 | Middletown | Important | | 72 | |
| 801 | Orthents | Non-prime | | 0 | |

*subject to flooding

| | |
|---|-----------|
| AGRICULTURAL LAND EVALUATION TOTAL | 65 |
|---|-----------|

| | |
|--------------------|------------|
| GRAND TOTAL | 215 |
|--------------------|------------|

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.