

GRANTING A REZONING AND VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
10800 BLOCK OF GORDON DRIVE, CHATHAM
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 rezoning and variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Darby Sabo**, has petitioned the Sangamon County Board requesting for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.36.010(B) 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; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres); and,**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 16, 2020** 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,

FILED

JAN 23 2020


Sangamon County Clerk

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 a 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 February, 2020 that the following request(s) on the above described property are hereby approved:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) 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;

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres).

10-3

Signed and passed by the Sangamon County Board in session on this 11th day of February,
2020.

COUNTY BOARD CHAIRMAN

ATTEST:

SANGAMON COUNTY CLERK

EXHIBIT A

PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 14 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT AN IRON PIPE OVER A STONE MARKING THE SOUTHWEST CORNER OF THE AFOREMENTIONED SECTION 20, THENCE NORTH 00 DEGREES 00 MINUTES 37 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 612.15 FEET MEASURED TO AN IRON PIPE, THENCE NORTH 89 DEGREES 59 MINUTES 27 SECONDS EAST 362.98 FEET MEASURED TO AN IRON PIPE, THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST 299.99 FEET MEASURED TO AN IRON PIPE, THENCE SOUTH 89 DEGREES 59 MINUTES 37 SECONDS WEST 363.05 FEET MEASURED TO AN IRON PIPE, ON THE SECTION LINE, THENCE NORTH 00 DEGREES 00 MINUTES 37 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 173.11 FEET TO AN IRON PIPE, THENCE NORTH 89 DEGREES 59 MINUTES 37 SECONDS EAST 1978.58 FEET TO AN IRON PIPE, THENCE SOUTH 00 DEGREES 04 MINUTES 48 SECONDS EAST 291.10 FEET TO THE CENTER OF PANTHER CREEK, THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF PANTHER CREEK WITH THE FOLLOWING 30 COURSES: SOUTH 86 DEGREES 08 MINUTES 46 SECONDS WEST 34.72 FEET, SOUTH 44 DEGREES 13 MINUTES 23 SECONDS WEST 51.67 FEET, SOUTH 00 DEGREES 56 MINUTES 55 SECONDS WEST 27.07 FEET, SOUTH 24 DEGREES 24 MINUTES 51 SECONDS WEST 40.19 FEET, SOUTH 47 DEGREES 59 MINUTES 54 SECONDS WEST 115.63 FEET, SOUTH 10 DEGREES 30 MINUTES 23 SECONDS WEST 99.53 FEET, SOUTH 76 DEGREES 01 MINUTES 53 SECONDS WEST 94.39 FEET, SOUTH 84 DEGREES 55 MINUTES 46 SECONDS WEST 64.77 FEET, NORTH 73 DEGREES 26 MINUTES 51 SECONDS WEST 36.55 FEET, NORTH 33 DEGREES 28 MINUTES 42 SECONDS WEST 77.45 FEET, NORTH 52 DEGREES 20 MINUTES 30 SECONDS WEST 47.17 FEET, NORTH 27 DEGREES 14 MINUTES 04 SECONDS WEST 58.56 FEET, SOUTH 61 DEGREES 14 MINUTES 18 SECONDS WEST 38.03 FEET, SOUTH 23 DEGREES 02 MINUTES 32 SECONDS WEST 73.32 FEET, SOUTH 73 DEGREES 06 MINUTES 54 SECONDS WEST 60.12 FEET, SOUTH 65 DEGREES 26 MINUTES 14 SECONDS WEST 52.63 FEET, NORTH 10 DEGREES 07 MINUTES 44 SECONDS WEST 31.16 FEET, NORTH 54 DEGREES 03 MINUTES 45 SECONDS WEST 70.74 FEET, NORTH 80 DEGREES 03 MINUTES 50 SECONDS WEST 85.11 FEET, SOUTH 50 DEGREES 13 MINUTES 18 SECONDS WEST 42.46 FEET, SOUTH 16 DEGREES 54 MINUTES 34 SECONDS WEST 102.03 FEET, SOUTH 43 DEGREES 20 MINUTES 15 SECONDS WEST 64.18 FEET, NORTH 53 DEGREES 32 MINUTES 41 SECONDS WEST 53.24 FEET, NORTH 61 DEGREES 15 MINUTES 11 SECONDS WEST 100.93 FEET, SOUTH 64 DEGREES 03 MINUTES 22 SECONDS WEST 133.87 FEET, SOUTH 36 DEGREES 39 MINUTES 03 SECONDS WEST 47.78 FEET, SOUTH 06 DEGREES 10 MINUTES 27 SECONDS WEST 140.15 FEET, SOUTH 37 DEGREES 48 MINUTES 06 SECONDS WEST 24.83 FEET, SOUTH 02 DEGREES 43 MINUTES 56 SECONDS EAST 125.83 FEET, SOUTH 24 DEGREES 40 MINUTES 48 SECONDS WEST 145.77 FEET, TO A MAG NAIL ON THE SECTION LINE, THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SECTION LINE A DISTANCE OF 703.23 FEET TO THE POINT OF BEGINNING.

SITUATED IN SANGAMON COUNTY, ILLINOIS
PARCEL NUMBER: 29-20.0-300-016.

10-5

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #5 NAME: Pam Deppe

DOCKET NUMBER: 2020-004

ADDRESS: 10800 Block of Gordon Drive, Chatham, IL 62629

PETITIONER: Darby Sabo

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: For Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from "A" Agricultural District to "R-1" Single-Family Residence District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.36.010(B) 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; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres).

AREA: 31.37 acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval. While the LESA score of 179 indicates the property is suitable for agricultural use only, the bank is requiring the petitioner to split the subject property to finance the construction of the proposed residence. Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow the lot depth to exceed 2.5 times the lot width for the two proposed parcels and allow one parcel less than 40 acres are necessary for the split and negative impacts are not anticipated. The Standards for Variation are met.

SANGAMON COUNTY ZONING 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: 2020-004
Darby Sabo))
)	PROPERTY LOCATED AT:
)	10800 Block of Gordon Drive
)	Chatham, IL 62629

RECOMMENDATION OF THE ZONING 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 **rezoning 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 **January 16, 2020** 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: **10800 Block of Gordon Drive, Chatham, IL 62629** 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 **Cropland**.
5. That the proposed land use of said property is **Single-family residence, shed, and cropland**.
6. That the request(s) for the subject property are for **Proposed Parcel 1: pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District; pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.36.010(B) 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; and, for Proposed Parcel 2: pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 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).

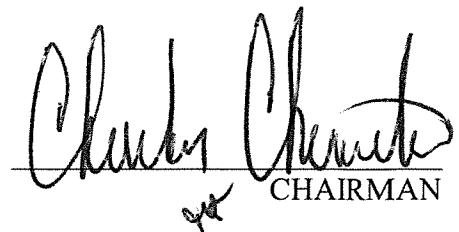
IT IS, THEREFORE, the recommendation of the Sangamon County Zoning Board of Appeals to the County Board of Sangamon County that the following request(s) **are hereby approved:**

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from **“A” Agricultural District to “R-1” Single-Family Residence District;**
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) 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; and,**

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres).


 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 following request(s) **are hereby approved**:

For Proposed Parcel 1:

- Pursuant to Chapters 17.68 and 17.12, a rezoning from “A” Agricultural District to “R-1” Single-Family Residence District;
- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.36.010(B) 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; and,

For Proposed Parcel 2:

- Pursuant to Chapter 17.66, a variance of Chapter 17.04 (Lot depth) to allow the lot depth to be greater than two and one-half (2.5) times the lot width; and,
- Pursuant to Chapter 17.66, a variance of Section 17.38.030 to allow one (1) parcel less than forty (40) acres (approximately 23 acres).

which was duly seconded by **Don Wulf**.

The vote of the Board was as follows:

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

NO:

PRESENT:

ABSENT:



RECORDING SECRETARY

**SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT**

Case #: **2020-004**

Address: **10800 Block of Gordon Drive, Chatham**

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

North & West – Residence and cropland. East – Residence and timber. South – Residence.

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

North – R-1 and Agricultural. East & West – Agricultural. South – Village of Chatham.

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

While the LESA score of 179 indicates the property is suitable for agricultural use only, the bank is requiring the petitioner to split the subject property to finance the construction of the proposed residence.

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

The trend of development is agricultural with rural residences in the area. In 2012, a parcel was rezoned to R-1 and variances were granted to allow the lot width to exceed 2.5 times the lot depth and to allow one parcel less than 40 acres north of the subject property.

**SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2020-004**

Address: **10800 Block of Gordon Drive, Chatham**

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.

Allowing an accessory structure to be 24 feet instead of 18 feet in the R-1 District would be consistent with the height of accessory structures located on properties in this area that are zoned Agricultural, which has no height restriction. The other variances to allow the lot depth to exceed 2.5 times the lot width for the two proposed parcels and allow one parcel less than 40 acres are necessary for the split.

- (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.

Other parcels in the area are zoned Agricultural, which has no height restrictions. The bank is requiring the subject property to be divided for financing purposes.

- (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.

10-11

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	10
50-74%	5	
Under 50%	0	
<u>PERCENTAGE OF SITE AGRICULTURAL/RURAL</u>		
75-100%	10	10
50-74%	5	
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	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	
18'-20' pavement, 40' ROW	10	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	
Private central sewage system	5	
Sewer 600' or less away and available	0	15

<u>AVAILABILITY OF PUBLIC WATER</u>		
Not available	20	
1,000-1,500' away	15	
Less than 1,000' away	5	
Public water available at site	0	0

<u>DISTANCE FROM RESPONDING FIREHOUSE</u>		
Not in fire protection district	20	
More than 5 miles or fire protection by assignment	10	
2.6-5 miles	5	5
0-2.5 miles	0	

<u>DRIVING TIME TO HIGH SCHOOL</u>		
Over 30 minutes	10	
15-30 minutes	5	
Less than 15 minutes	0	0

SITE ASSESSMENT TOTAL		105
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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</u>	
				<u>Value</u>	<u>Points</u>
198A	Elburn	P		100	
199A	Plano	P		100	
43A	Ipava	P	0	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	2	87	2
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	51	75	38
3073A	Ross	P3		75	
3284A	Tice	P3		75	
279B	Rozetta	P	15	75	11
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	8	74	6
119D	Elco	I		74	
127C2	Harrison	I		74	
119D2	Elco	I	22	74	16
567C2	Elkhart	I		74	
134C2	Camden	I		74	
259C2	Assumption	I	1	74	1

10-14

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	74
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GRAND TOTAL	179
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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.