

CASE # 2007-33 17-1  
RESOLUTION NUMBER \_\_\_\_\_

**GRANT VARIANCES**  
FOR CERTAIN PROPERTY LOCATED AT  
**9291 WITHERS ROAD, LOAMI**  
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 variances** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

**See Exhibit A**

WHEREAS, the Petitioner, **Jay E. Withers**, has petitioned the Sangamon County Board for **variances to allow the lot width to be met greater than 60' from the road for 1 parcel, to allow 2 parcels less than 40 acres and to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **June 21, 2007**, 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 variances; and**

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

**FILED**

JUN 29 2007

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10<sup>th</sup> day of July, 2007 that the requested variances to allow the lot width to be met greater than 60' from the road for 1 parcel, to allow 2 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels on the above described parcel are hereby approved.

Signed and passed by the Sangamon County Board in session on this 10<sup>th</sup> day of July, 2007.

Respectfully submitted,

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

\_\_\_\_\_  
TIM MOORE, CHAIRMAN

*abe forsyth*  
\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_

\_\_\_\_\_  
BILL MOSS

\_\_\_\_\_  
SAM SNELL

\_\_\_\_\_  
DON STEPHENS

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

*Joe Quillo*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. Moore*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**Exhibit A**

**LEGAL DESCRIPTION:**

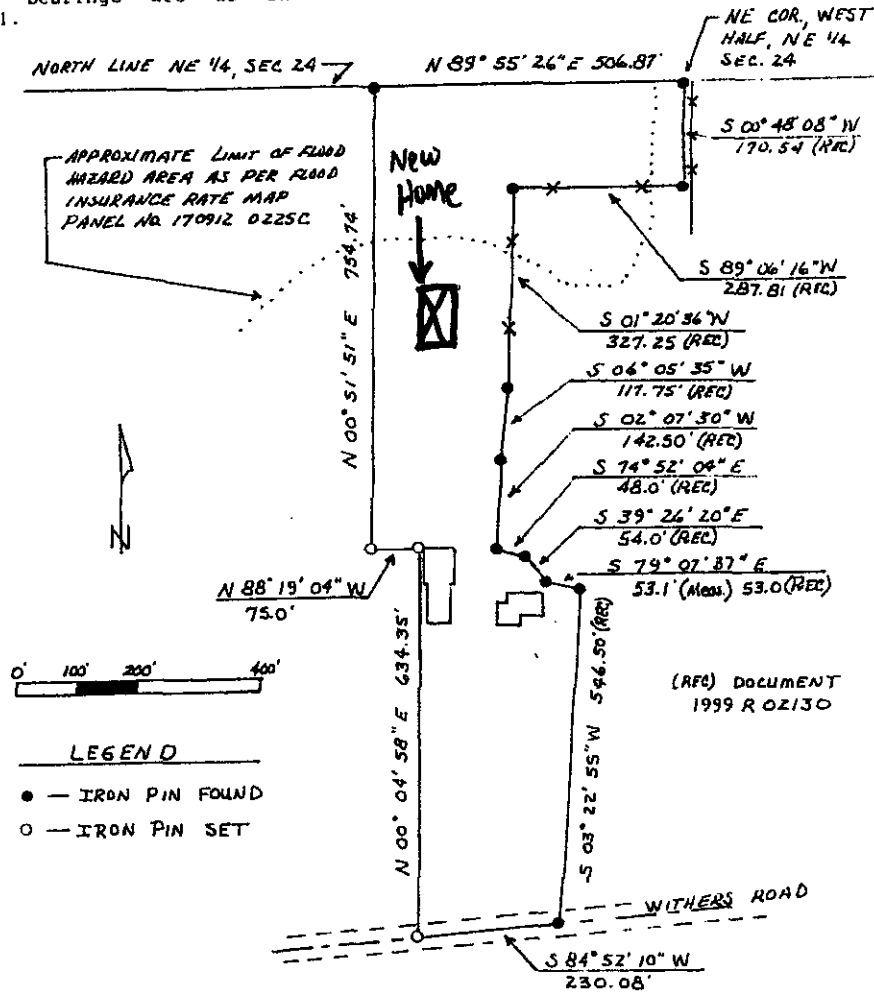
All that part of the West Half of the Northeast Quarter of Section 24, Township 14 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois lying North of Withers Road, a public highway, and more particularly described as follows: Beginning at the Northeast corner of the West Half of the Northeast Quarter of said Section 24, thence South 00 degrees, 48 minutes, 08 seconds West 170.54 feet to an iron pin; thence South 89 degrees, 06 minutes, 16 seconds West 287.81 feet to an iron pin; thence South 01 degrees, 20 minutes, 36 seconds West 327.25 feet to an iron pin; thence South 06 degrees, 05 minutes, 38 seconds West 117.75 feet to an iron pin, thence South 02 degrees, 07 minutes, 30 seconds West 142.50 feet to an iron pin; thence South 74 degrees, 52 minutes, 04 seconds East 48.0 feet to an iron pin; thence South 39 degrees, 26 minutes, 20 seconds East 54.0 feet to an iron pin; thence South 79 degrees, 07 minutes, 37 seconds East 53.1 feet to an iron pin; thence South 03 degrees, 22 minutes, 55 seconds West 546.50 feet to an iron pin in the centerline of Withers Road; thence South 84 degrees, 52 minutes, 10 seconds West 230.08 feet along the centerline of Withers Road to an iron pin; thence North 00 degrees, 04 minutes, 58 seconds East 634.35 feet to an iron pin; thence North 88 degrees, 19 minutes, 04 seconds West 75.0 feet to an iron pin; thence North 00 degrees, 51 minutes, 51 seconds East 754.74 feet to an iron pin in the North line of said Northeast Quarter of Section 24; thence North 89 degrees, 55 minutes, 26 seconds East 506.87 feet along the North line of said Northeast Quarter to the point of beginning. Situated in Sangamon County, Illinois.

PLAT OF SURVEY

All that part of the West Half of the Northeast Quarter of Section 24, Township 14 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois lying North of Withers Road, a public highway, and more particularly described as follows:

Beginning at the Northeast corner of the West Half of the Northeast Quarter of said Section 24, thence South 00 degrees, 48 minutes, 08 seconds West 170.54 feet to an iron pin; thence South 89 degrees, 06 minutes, 16 seconds West 287.81 feet to an iron pin; thence South 01 degrees, 20 minutes, 36 seconds West 327.25 feet to an iron pin; thence South 06 degrees, 05 minutes, 35 seconds West 117.75 feet to an iron pin; thence South 02 degrees, 07 minutes, 30 seconds West 142.50 feet to an iron pin; thence South 74 degrees, 52 minutes, 04 seconds East 48.0 feet to an iron pin; thence South 39 degrees, 26 minutes, 20 seconds East 54.0 feet to an iron pin; thence South 79 degrees, 07 minutes, 37 seconds East 53.1 feet to an iron pin; thence South 03 degrees, 22 minutes, 55 seconds West 546.50 feet to an iron pin in the centerline of Withers Road; thence South 84 degrees, 52 minutes, 10 seconds West 230.08 feet along the centerline of Withers Road to an iron pin; thence North 00 degrees, 04 minutes, 58 seconds East 634.35 feet to an iron pin; thence North 88 degrees, 19 minutes, 04 seconds West 75.0 feet to an iron pin; thence North 00 degrees, 51 minutes, 51 seconds West 75.0 feet to an iron pin in the North line of said Northeast quarter of Section 24; thence North 89 degrees, 55 minutes, 26 seconds East 506.87 feet along the North line of said Northeast quarter to the point of beginning, containing 8.228 acres, more or less.

Basis of bearings are as shown on the recorded document 1997R45101.



I do hereby certify that in the month of October 1999, I made a survey of the above described property and the above plat correctly represents the results of said survey.

Donald R. Rich
Donald R. Rich
Illinois Professional Land Surveyor #2136

County of Sangamon )
State of Illinois )

I, Sangamon County Plats Officer, do hereby approve this tract survey in accordance with the provisions of the Land Subdivision Regulations of Sangamon County, Illinois.

MAR 8 2000
Date
Sangamon County Plats Officer

7+5

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2007-33**

ADDRESS: **9291 Withers Road, Loami, Il 62661**

PETITIONER: **Jay E. Withers**

PRESENT ZONING CLASSIFICATION: **"A" Agricultural District**

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with variances to allow the lot width to be met greater than 60' from the road for 1 parcel, to allow 2 parcels less than 40 acres and to allow the lot depth to exceed 2 ½ times the lot width for 2 parcels**

AREA: **8.23 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval.**

SANGAMON COUNTY BOARD OF APPEALS  
RECOMMENDATION: **Approval.**

  
\_\_\_\_\_  
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

|                                     |                           |
|-------------------------------------|---------------------------|
| IN THE MATTER OF THE PETITION OF: ) | DOCKET NO: <b>2007-33</b> |
| <b>Jay E. Withers</b> )             |                           |
| )                                   | PROPERTY LOCATED AT:      |
| )                                   | <b>9291 Withers Road</b>  |
| )                                   | <b>Loami, IL 62661</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 **variances to** 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 **June 21, 2007** 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 **9291 Withers Road, Loami, IL 62661** 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 **Residence, farm building.**
- 5. That the proposed land use of said property is **divide and construct a new residence.**
- 6. That the requested **variances** of said property are: **to allow the lot width to be met greater than 60' from the road for 1 parcel, to allow 2 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.**
- 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 **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 **variances** be **approved**.

Charlie Chimento  
CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Judith Johnson** to concur with the findings of fact and recommendation of the Regional Planning Commission and recommend to the County Board that the petition be **granted**, which was duly seconded by **Patrick Somers**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Judith Johnson, Patrick Somers, Barbara Braner**

NO:

ABSENT: **Marvin Traylor**

RJ Armstrong  
RECORDING SECRETARY

**Exhibit A****LEGAL DESCRIPTION:**

All that part of the West Half of the Northeast Quarter of Section 24, Township 14 North, Range 7 West of the Third Principal Meridian, Sangamon County, Illinois lying North of Withers Road, a public highway, and more particularly described as follows: Beginning at the Northeast corner of the West Half of the Northeast Quarter of said Section 24, thence South 00 degrees, 48 minutes, 08 seconds West 170.54 feet to an iron pin; thence South 89 degrees, 06 minutes, 16 seconds West 287.81 feet to an iron pin; thence South 01 degrees, 20 minutes, 36 seconds West 327.25 feet to an iron pin; thence South 06 degrees, 05 minutes, 35 seconds West 117.75 feet to an iron pin, thence South 02 degrees, 07 minutes, 30 seconds West 142.50 feet to an iron pin; thence South 74 degrees, 52 minutes, 04 seconds East 48.0 feet to an iron pin; thence South 39 degrees, 26 minutes, 20 seconds East 54.0 feet to an iron pin; thence South 79 degrees, 07 minutes, 37 seconds East 53.1 feet to an iron pin; thence South 03 degrees, 22 minutes, 55 seconds West 546.50 feet to an iron pin in the centerline of Withers Road; thence South 84 degrees, 52 minutes, 10 seconds West 230.08 feet along the centerline of Withers Road to an iron pin; thence North 00 degrees, 04 minutes, 58 seconds East 634.35 feet to an iron pin; thence North 88 degrees, 19 minutes, 04 seconds West 75.0 feet to an iron pin; thence North 00 degrees, 51 minutes, 51 seconds East 754.74 feet to an iron pin in the North line of said Northeast Quarter of Section 24; thence North 89 degrees, 55 minutes, 26 seconds East 506.87 feet along the North line of said Northeast Quarter to the point of beginning. Situated in Sangamon County, Illinois.

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**SSCRPC** **Springfield Sangamon County Regional Planning Commission**

**Staff Findings and Recommendation**  
 (inspected 6/6/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-33

ADDRESS 9291 Withers Road

Property Index # 27-24-200-011

PETITIONER Withers, Jay E.

REQUESTED ZONING Variances to allow the lot width to be met greater than 60' from the road for 1 parcel, to allow 2 parcels less than 40 acres and to allow the lot depth to exceed 2 1/2 times the lot width for 2 parcels.

PROPOSED LAND USE 2 single family residences

EXISTING:

ZONING A

LAND USE Residence, farm building

ROAD FRONTAGE Withers Rd 230.08'      CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

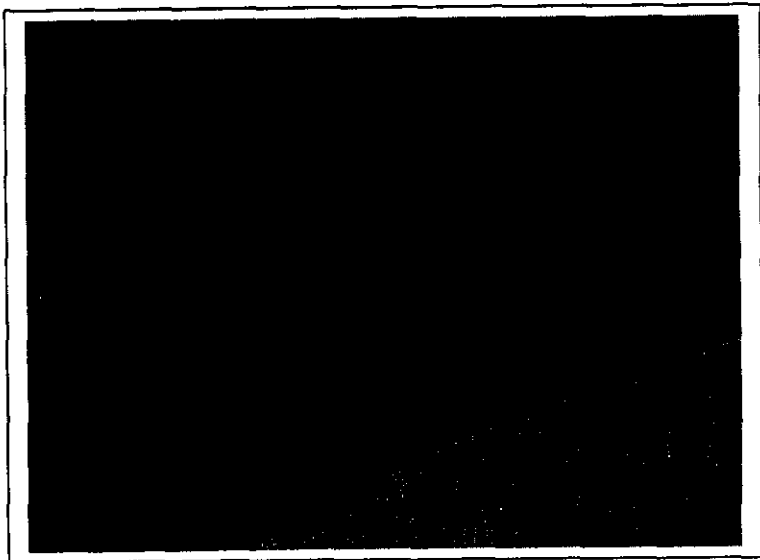
CONDITION OF STRUCTURE Good

LOT AREA 8.23 acres

FRONT YARD 540'

SIDE YARDS 122'/60'

REAR YARD 825'

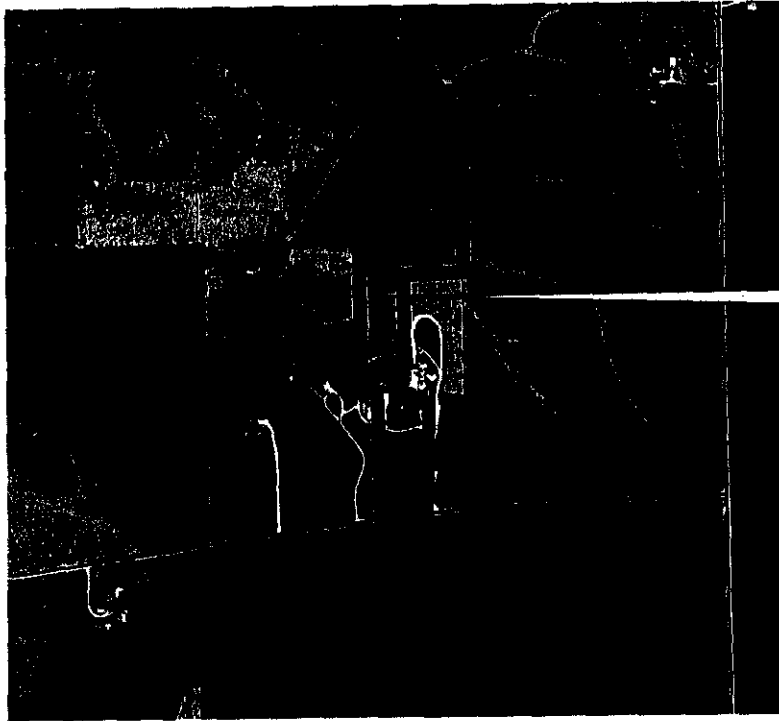


Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval.**

# County Zoning

## Case# 2007-33



Requested:  
Variance

### County Zoning

|  |      |  |    |
|--|------|--|----|
|  | RM-4 |  | I1 |
|  | R3   |  | I2 |
|  | R2   |  | B3 |
|  | R1a  |  | B2 |
|  | R1   |  | B1 |
|  | OFF  |  | A  |

### City Zoning

|  |     |  |    |  |     |
|--|-----|--|----|--|-----|
|  | R5  |  | H1 |  | OFF |
|  | R1  |  | H2 |  | PUD |
|  | R2  |  | H3 |  | B1  |
|  | R3a |  | S1 |  | B2  |
|  | R3b |  | S2 |  | I1  |
|  | R4  |  | S3 |  | I2  |



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**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2007-33

Address: 9291 Withers 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.

**The request is made to divide off the existing home from a suitable building site at the rear of the property. Each resulting tract will have owned, non-easement based access.**

- (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 impact is anticipated.**