

CASE # 2008-04  
RESOLUTION NUMBER 9-1

**GRANTING A VARIANCE**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**8375 WEST STATE ROUTE 104, AUBURN**  
**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, **Roy Scott Rakes**, has petitioned the Sangamon County Board for a **variance to allow the lot width to be met greater than 60' from the public road for one tract**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **January 17, 2008** 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 variance**; and

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

**FILED**

JAN 30 2008

*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 13<sup>th</sup> day of February, 2008 that the requested variance to allow the lot width to be met greater than 60' from the public road for one tract is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of February, 2008.

Respectfully submitted,

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

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

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

\_\_\_\_\_  
JENNIFER DILLMAN

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

\_\_\_\_\_  
GEORGE PRECKWINKLE

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

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

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

**ATTEST:**

*Joe Beeth*  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

*A. D. [Signature]*  
\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

**Exhibit A**

Tract 1: Part of the South Half of the Northeast Quarter of Section 7, in Township 13 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois being described as follows: Commencing at the Southeast corner of the Northeast Quarter of Section 7; thence North 89 degrees 31 minutes 40 seconds West 1194.76 feet to the point of beginning; thence North 0 degrees 31 minutes 46 seconds West 1050.56 feet to an iron pin; thence North 89 degrees 39 minutes 32 seconds West 129.26 feet to an iron pin; thence South 0 degrees 34 minutes 14 seconds West 30.00 feet to an iron pin; thence North 89 degrees 39 minutes 32 seconds West 20.78 feet to an iron pin; thence South 0 degrees 31 minutes 46 seconds East 1020.21 feet; thence South 89 degrees 31 minutes 40 seconds East 150.02 feet to the point of beginning, containing 3.60 acres, more or less.

ROY SCOTT RAKES  
8375 WEST STATE ROUTE 104  
AUBURN IL 62615  
TAX ID: 34-07-200-011

**John W. Garrison, Jr.**  
Professional Land Surveyor  
1055 Glenway Drive  
Glenview, IL 60036  
(217) 483-7860

RECORDED OF DEEDS

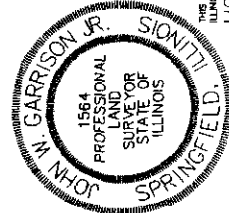
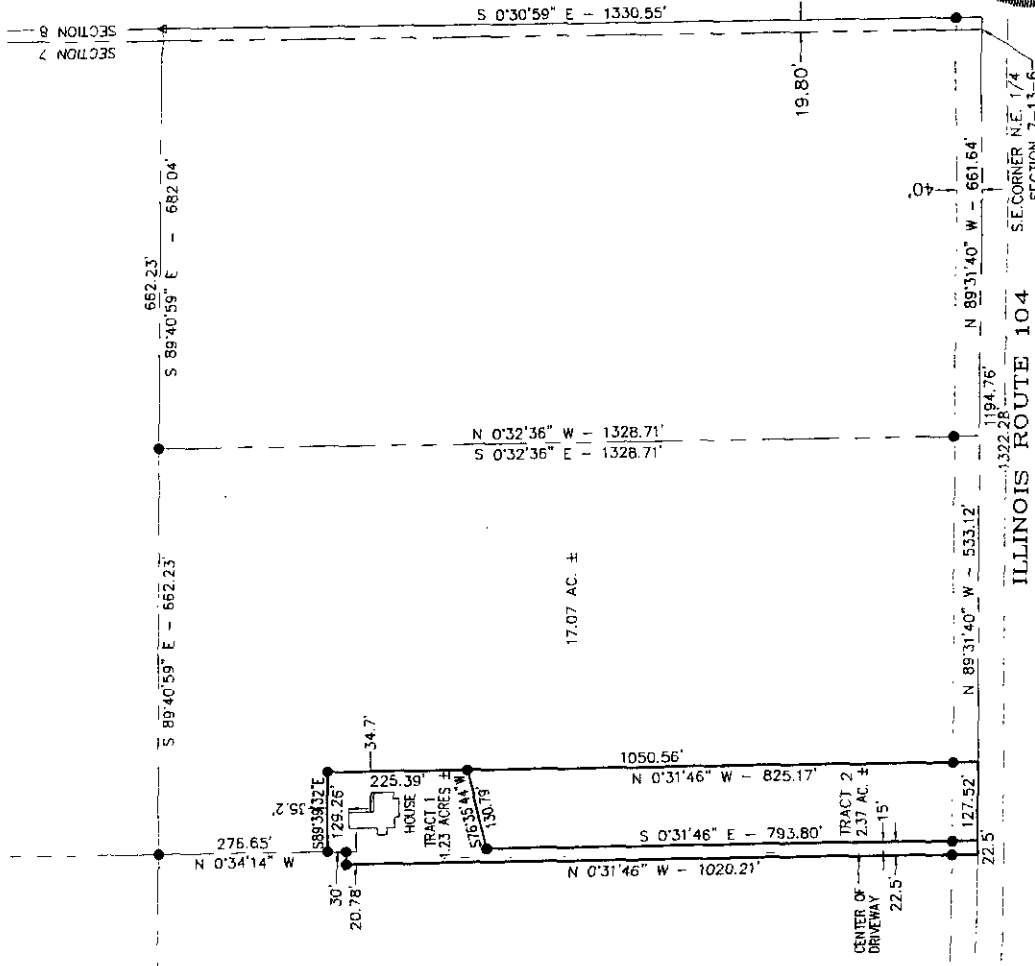
**PLAT OF SURVEY**

**TRACT 1**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, IN TOWNSHIP 13 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 7; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 1322.28 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 22.50 FEET; THENCE NORTH 0 DEGREES 31 MINUTES 46 SECONDS EAST 1020.21 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST 20.78 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 34 MINUTES 14 SECONDS WEST 30.00 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 39 MINUTES 32 SECONDS EAST 129.26 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 31 MINUTES 46 SECONDS EAST 225.39 FEET TO AN IRON PIN; THENCE SOUTH 76 DEGREES 35 MINUTES 44 SECONDS EAST 130.79 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 31 MINUTES 46 SECONDS EAST 793.80 FEET TO THE POINT OF BEGINNING, CONTAINING 1.23 ACRES, MORE OR LESS.

**TRACT 2**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, IN TOWNSHIP 13 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 7; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 1194.76 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 31 MINUTES 46 SECONDS WEST 825.17 FEET TO AN IRON PIN; THENCE SOUTH 76 DEGREES 35 MINUTES 44 SECONDS WEST 130.79 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 31 MINUTES 46 SECONDS EAST 793.80 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 127.52 FEET TO THE POINT OF BEGINNING, CONTAINING 2.37 ACRES, MORE OR LESS.



I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT CORRECTLY REPRESENTS THE RESULTS OF A LAND SURVEY MADE UNDER MY DIRECTION.

*John W. Garrison, Jr.*  
PROFESSIONAL LAND SURVEYOR NO. 1564

THE PROFESSIONAL SERVICES CONTINUE TO THE CURRENT ILLINOIS ANNUAL STANDARDS FOR A BOUNDARY SURVEY  
JULY 13, 2007 DATE PROJECT 2007178  
LICENSE EXPIRES: 11/30/2008

BASIS OF BEARINGS: ASSUMED MERIDIAN.  
NO PART OF THIS SURVEY IS WITHIN A FLOOD HAZARD AREA AS IDENTIFIED BY FEMA.

9-4

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: Sam Snell

DOCKET NUMBER: 2008-04

ADDRESS: 8375 West State Route 104, Auburn, IL 62615

PETITIONER: Roy Scott Rakes

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow the lot width to be met greater than 60' from the public road for one tract

AREA: 3.6 Acres

COMMENTS: None

OBJECTORS: None

PLANNING COMMISSION RECOMMENDATION: **Recommend approval. The standards for variation are met.**

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>2008-04</b>
<b>Roy Scott Rakes</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>8375 West State Route 104</b>
	)	<b>Auburn, IL 62615</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 a **variance** 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 17, 2008** 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 **8375 West State Route 104, Auburn, IL 62615** 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 **Single Family Residence and cropland.**
- 5. That the proposed land use of said property is **Retain Single Family Residence & sell off farm land.**
- 6. That the requested **variance** of said property is **to allow the lot width to be met greater than 60' from the public road for one tract.**
- 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 **variance** 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 **variance** be **approved**.

  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Peggy Egizii**, 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Peggy Egizii, Judith Johnson, Marvin Traylor**

NO:

ABSENT:

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

**Exhibit A**

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G-4

**SSCRPC** Springfield  
Sangamon County Regional  
Planning Commission

**Staff Findings and Recommendation**  
(inspected 1/7/08 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2008-04  
ADDRESS 8375 West State Route 104  
Property Index # Pt. 34-07-200-011

PETITIONER Rakes, Roy Scott

REQUESTED ZONING A variance to allow the lot width to be met greater than 60' from the public road for one tract.

PROPOSED LAND USE Divide off existing single family residence from cropland.

EXISTING:

ZONING Agricultural

LAND USE Single family residence and cropland.

ROAD FRONTAGE State Rt. 104 - 150.02      CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

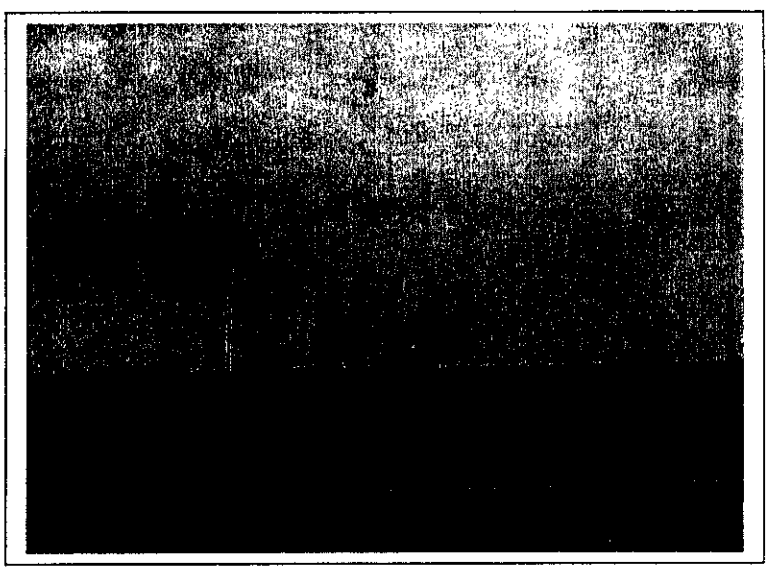
CONDITION OF STRUCTURE Good

LOT AREA 3.6 acres

FRONT YARD 970'

SIDE YARDS 20.78' / 34.7'

REAR YARD 30'

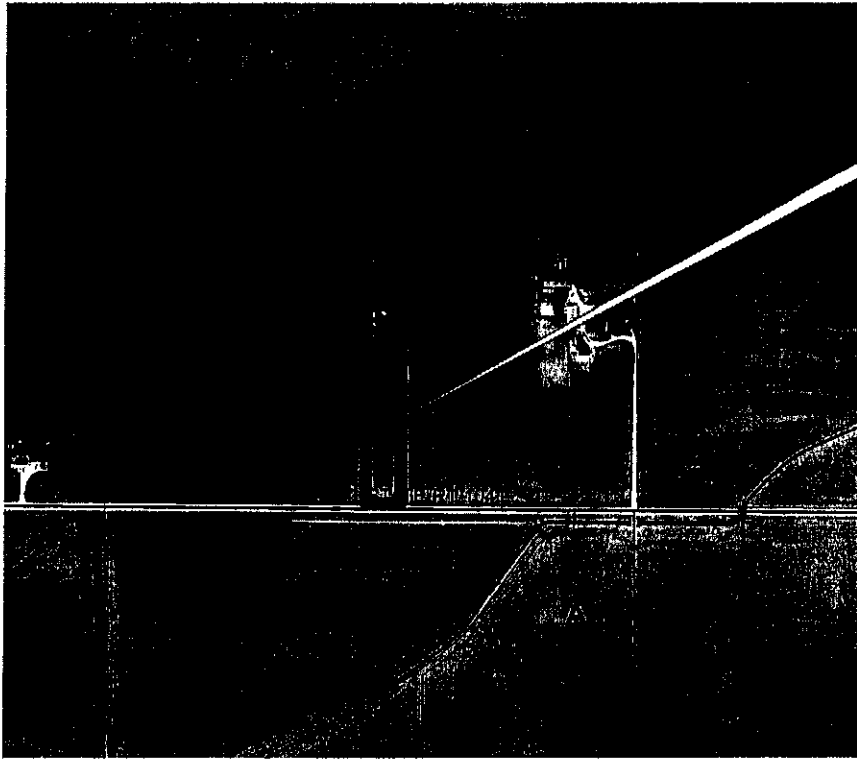


Would the proposed zoning be spot zoning? NA

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The standards for variation are met.**

# County Zoning

## Case# 2008-04



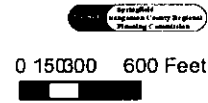
Requested:  
Variance

### 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



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2008-004**

Address: **8375 West State Route 104**

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.

**Petitioner would like to divide off the existing home from the tillable ground and proposes to sell this land to the adjoining owner to the east.**

- (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.**