

CASE # 2005-29
RESOLUTION NUMBER 13-i

**GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
11050 CARSON ROAD, WAVERLY
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, **Jimmy D. Mitchell**, has petitioned the Sangamon County Board for a **variance to allow the lot width to be met greater than 60' from a public road and a variance to allow the lot depth to exceed 2 ½ times the lot width**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **May 19, 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 **grant the variances**; and

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

FILED

MAY 31 2005

Joe Diello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of June, 2005 that the request for a variance to allow the lot width to be met greater than 60' from a public road and a variance to allow the lot depth to exceed 2½ times the lot width on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of June, 2005.

Respectfully submitted,

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

Dan Vaughn

DAN VAUGHN, CHAIRMAN

ABE FORSYTH

BILL MOSS

TYRONE PACE

TIM MOORE

DON STEPHENS

ATTEST:

Joe Quillo

SANGAMON COUNTY CLERK

A. VaMetr

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northeast Quarter of Section 29 and Part of the Southeast Quarter of Section 20, Township 14 North, Range 7 West, of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast Corner of Section 29, thence Westerly along the North line of the Northeast Quarter of Section 29, 1656.22 feet to the point of beginning, thence Southerly, parallel to the West line of said Northeast Quarter, 150.00 feet, thence Westerly, parallel to said North line, 242.00 feet, thence Northerly, parallel to said West Line, 150.00 feet, thence Westerly along said North line 713.00 feet, thence Northerly, parallel to the West line of the Southeast Quarter of Section 20, 30.00 feet, thence Easterly, parallel to the South line of Southeast Quarter of Section 20, 955.00 feet, thence Southerly, parallel to the West line of the Southeast Quarter of Section 20, 30.00 feet to the Point of Beginning, containing 1.49 acres more or less, all in Sangamon County, Illinois.

RECAP
(For County Board Use)

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

DOCKET NUMBER: **2005-29**

ADDRESS: **11050 Carson Rd., Waverly, IL. 62692**

PETITIONER: **Jimmy D. Mitchell**

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 a public road and a variance to allow the lot depth to exceed 2 1/2 times the lot width**

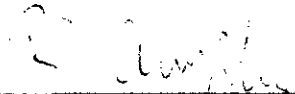
AREA: **1.49 acres**

COMMENTS: **none**

OBJECTORS: **none**

PLANNING COMMISSION RECOMMENDATION: **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: 2005-29
Jimmy D. Mitchell)	
)	PROPERTY LOCATED AT:
)	11050 Carson Rd.
)	Waverly, IL. 62692
)	

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** 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 19, 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 **11050 Carson Rd., Waverly, IL. 62692** 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 **a Single Family Residence.**
- 6. That the requested **variances** of said property are: **to allow the lot width to be met greater than 60' from a public road and to allow the lot depth to exceed 2 ½ times the lot width.**
- 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.**

Patrick Somers
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Patrick Somers** 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Donn Malwick, John Goleman, Patrick Somers, Barbara Braner & Don Wulf**

NO:

ABSENT: **Charles Chimento & Marvin Traylor**

Don Wulf
RECORDING SECRETARY

ZONING VARIANCE CHECK LIST

PETITIONER: Mitchell, Jimmy D.

ADDRESS: 11050 Carson Road

EXISTING ZONING: A

REQUEST DESCRIPTION: **Variance is requested to allow the lot width to be met greater than 60' from a public road and a variance to allow the lot depth to exceed 2 1/2 times the lot width.**

Staff Estimate of the Effect of the Variance on the Area		None	Slight	Mod.	Great
CONTRASTS:	land use	X			
	appearance	X			
CURRENT VS. PROPOSED	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			



Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Carson Rd. - 30'</u>	<u>800</u>	<u>50/1200</u>	<u>400</u>	<u>1.49 acres</u>	
	front	side	rear		

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend approval. The standards for variation are met.**

County Zoning

Case# 2005-029

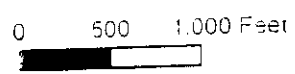


County Zoning

	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





RECOMMENDED STANDARDS FOR VARIATIONS

Case #: 2005-29

Address: 11050 Carson 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 as allowed under the one time exception to the bulk regulations provision of the zoning ordinance.

- (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 while preserving the cropland.

- (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