

CASE# 2013-014
RESOLUTION NUMBER 10-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
**7135 OLD JACKSONVILLE RD. & IN THE 7,100 BLOCK OF OLD JACKSONVILLE
RD., NEW BERLIN
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 Petitioners, **David & Margaret Oswald**, have petitioned the Sangamon County Board for a **variance of the road frontage requirements from one hundred fifty (150) feet to forty (40) feet, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road for one (1) parcel, and a variance to allow one (1) parcel to be greater than five (5) acres to allow for approximately two point three (2.3) acres to be divided off one (1) parcel and combined with an adjacent parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **April 18, 2013** 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

APR 29 2013

Jae Aiello
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 the 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 14th day of May, 2013 that the request for a variance of the road frontage requirements from one hundred fifty (150) feet to forty (40) feet, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road for one (1) parcel, and a variance to allow one (1) parcel to be greater than five (5) acres to allow for approximately two point three (2.3) acres to be divided off one (1) parcel and combined with an adjacent parcel on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of May, 2013.

Respectfully submitted,

PUBLIC HEALTH, SOLID WASTE & ZONING
COMMITTEE OF THE SANGAMON COUNTY BOARD



GREG STUMPF, CHAIRMAN

DAVID MENDENHALL, VICE CHAIRMAN

JOHN FULGENZI

CRAIG HALL

SAM SNELL

ABE FORSYTH

JASON RATTS

LINDA DOUGLAS WILLIAMS

LINDA FULGENZI

LISA HILLS

MIKE SULLIVAN

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the Northeast Quarter (NE ¼) of the Northwest Quarter (NW ¼) of Section Five (5), Township Fifteen (15) North, Range Six (6) West of the Third principal Meridian, bounded as follows, to-wit: Beginning at a stone at the Northwest corner of said Quarter Quarter Section, thence East along the North line of said Quarter Quarter Section 260.27 feet, thence South 429 feet; thence South 24 degrees 42 minutes West 553 feet; thence South 89 degrees 23 minutes West 21 feet thence North 0 degrees 20 minutes West 931.5 feet to the place of beginning. Situated in Sangamon County, Illinois.

AND

The East 50 acres of Lot 2 of the Northwest Quarter of Section 5, Township 15 North, Range 6 West of the Third Principal Meridian, Sangamon County, Illinois. EXCEPT that part (recorded in Book 535, Page 355) being more particularly described as follows: Part of the Northeast Quarter of the Northwest Quarter of Section 5, Township 15 North, Range 6 West of the Third Principal Meridian, bounded as follows, to-wit: Beginning at an iron pin at the Northwest corner of said Quarter, Quarter Section, thence East along the North line of said Quarter, Quarter Section, a distance of 260.27 feet; thence South, a distance of 429.00 feet; thence South 24 degrees 42 minutes West, a distance of 553 feet; thence South 89 degrees 23 minutes West, a distance of 21.00 feet; thence North 00 degrees 20 minutes West, a distance of 931.5 feet to the place of beginning, containing 4.19 acres. Situated in Sangamon County, Illinois.

AND

The PERMANENT EASEMENT shall be twenty (20) feet wide, being ten (10) feet either side of the water main as installed.

RECAP

(For County Board Use)

COUNTY BOARD MEMBER: # 1 NAME: Harry "Tom" Fraase, Jr.

DOCKET NUMBER: 2013-014

ADDRESS: 7135 Old Jacksonville Rd. & In the 7,100 Block of Old Jacksonville Rd., New Berlin, IL. 62670

PETITIONER: David & Margaret Oswald

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: A variance of the road frontage requirements from one hundred fifty (150) feet to forty (40) feet, a variance to allow the lot depth to be greater than two and one-half (2 ½) times the lot width for one (1) parcel, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road for one (1) parcel, and a variance to allow one (1) parcel to be greater than five (5) acres to allow for approximately two point three (2.3) acres to be divided off one (1) parcel and combined with an adjacent parcel.

AREA: 45.81 acres

COMMENTS: None

OBJECTORS: No

PLANNING COMMISSION RECOMMENDATION: Recommend approval. The subject property is 4.19 acres and is land-locked. A permanent 20' easement on the west side of the 45.81 acre adjacent parcel provides access to the subject property. In addition, several out-buildings are located on the adjacent parcel. Such circumstances can result in a negative yield for the property. Establishing 40' of road frontage for the subject property and reconfiguring the property so that the out-buildings are located on the

same parcel as the residence will eliminate a zoning violation and present a reasonable return for the property.

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2013-014**
)
)
) PROPERTY LOCATED AT:
) **7135 Old Jacksonville Rd. &**
) **In the 7,100 Bl. of Old**
) **Jacksonville Rd.**
) **New Berlin, IL. 62670**

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 **April 18, 2013** 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: **7135 Old Jacksonville Rd. & In the 7,100 Block of Old Jacksonville Rd., New Berlin, IL.** 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, barn, chicken coop & cropland.
- 5. That the proposed land use of said property is a single-family residence, barn, chicken coop & cropland.
- 6. That the requested variances of said property are a variance of the road frontage requirements from one hundred fifty (150) feet to forty (40) feet, a variance to allow the lot depth to be greater than two and one-half (2 1/2) times the lot width for one (1) parcel, a variance to allow the lot width to be met at a distance greater than sixty (60) feet from a public road for one (1) parcel, and a variance to allow one (1) parcel to be greater than five (5) acres to allow for approximately two point three (2.3) acres to be divided off one (1) parcel and combined with an adjacent parcel.
- 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 are 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.

Charles Chimento/ck
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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Peggy Egizii, Don Wulf, Byron Deaner, Judith Johnson**

NO:

PRESENT:

ABSENT:

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2013-014

Address: 7135 Old Jacksonville Road & 7100 Block of Old Jacksonville
Road, New Berlin

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 subject property is 4.19 acres and is land-locked. A permanent 20' easement on the west side of the 45.81 acre adjacent parcel provides access to the subject property. In addition, several out-buildings are located on the adjacent parcel. Such circumstances can result in a negative yield for the property. Establishing road frontage for the subject property and reconfiguring the property so that the out-buildings are located on the same parcel as the residence will eliminate a zoning violation and present a reasonable return for 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.

There are circumstances unique to the property in that it is currently land-locked and accessed by a permanent easement that is 20' wide. If the petitioners' request is granted, the parcel will no longer be land-locked. While creating what is referred to as a "flag lot" is contrary to sound planning principles, the circumstances unique to this property justify such a lot configuration.

- (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.

The requested variances are required to reconfigure the parcel by tract survey. There will be no visible changes to the property.