

CASE # 2004-79
RESOLUTION NUMBER 8-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1833 SOUTH MT. PULASKI RD.
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:

The NE Quarter, of Section 22, Township 16 North, Range 2 West of the Third Principal Meridian, Sangamon County, IL. S. Part of Illiopolis Township

WHEREAS, the Petitioner, **Charles Terrence Nelson**, has petitioned the Sangamon County Board for a **variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot area to exceed the 5 acre maximum for one parcel;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **December 16, 2004**, 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

DEC 30 2004

Joe Ciello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 10th day of January, 2005 that a variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot area to exceed the 5 acre maximum for one parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 10th day of January, 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 Bell
SANGAMON COUNTY CLERK

A. Van Meter
COUNTY BOARD CHAIRMAN

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: David Mendenhall

DOCKET NUMBER: 2004-79

ADDRESS: 1833 South Mt. Pulaski Rd., Illiopolis, IL. 62539

PETITIONER: Charles Terrence Nelson

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow the lot depth to exceed 2 1/2 times the lot width and a variance to allow the lot area to exceed the 5 acre maximum for one parcel.


AREA: 160 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: 2004-79
Charles Terrence Nelson)	
)	PROPERTY LOCATED AT:
)	1833 South Mt. Pulaski Rd.
)	Illioopolis, IL. 62539
)	

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 **December 16, 2004** 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 **1833 South Mt. Pulaski Rd., Illioopolis, IL. 62539** and more particularly described as:

The NE Quarter, of Section 22, Township 16 North, Range 2 West of the Third Principal Meridian, Sangamon County, IL. S. Part of Illioopolis Township

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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 **Farmstead.**
- 5. That the proposed land use of said property is **Farmstead**
- 6. That the requested **variances** of said property is: **to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot area to exceed the 5 acre maximum for one 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** 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 **granted.**


CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Donn Malwick** 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 **Patrick Somers.**

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:


RECORDING SECRETARY

8-6

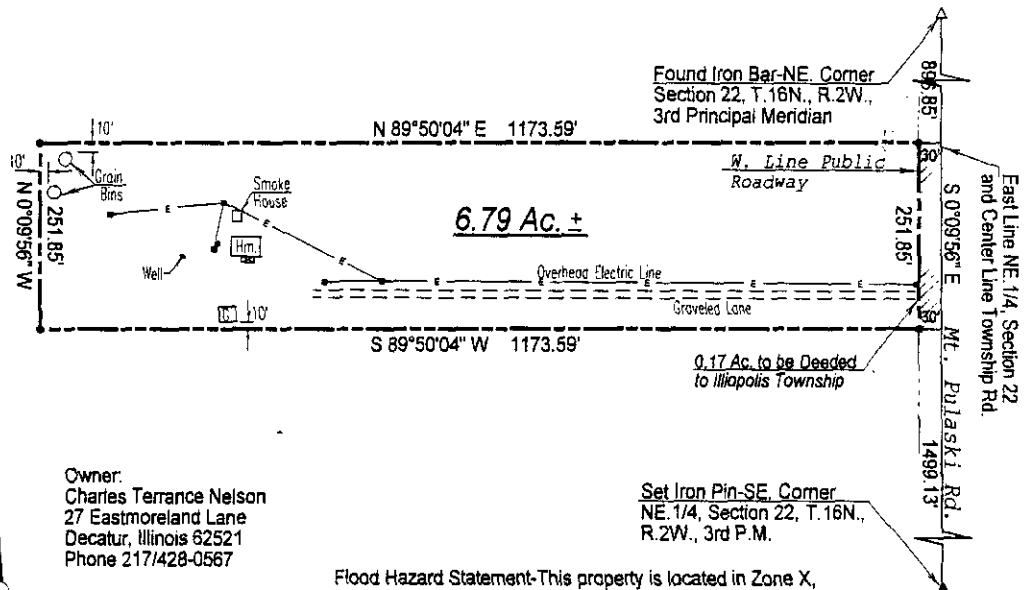
Robert L. Cox
Professional Land Surveyor
Findlay, Illinois 62534
Phone 217/758-3252
(Nelson Farms)
Project No. 190-04
P.C.S. File No. 98

P.O. Box 74

Plat of Survey

6.79 Acre Tract - That part of the Northeast 1/4, of Section 22, Township 16 North, Range 2 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: commencing at the Southeast corner of the Northeast 1/4, of said Section 22; thence N.0°09'56"W.-1499.13 feet along the East line of the Northeast 1/4, of said Section 22; thence S.89°50'04"W.-30.00 feet to the point of beginning; thence continuing S.89°50'04"W.-1173.59 feet; thence N.0°09'56"W.-251.85 feet; thence N.89°50'04"E.-1173.59 feet; thence S.0°09'56"E.-251.85 feet to the point of beginning.

0.17 Acre Tract to Illiopolis Township - That part of the Northeast 1/4, of Section 22, Township 16 North, Range 2 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: commencing at the Southeast corner of the Northeast 1/4, of said Section 22; thence N.0°09'56"W.-1499.13 feet along the East line of the Northeast 1/4, of said Section 22 to the point of beginning; thence S.89°50'04"W.-30.00 feet; thence N.0°09'56"W.-251.85 feet; thence N.89°50'04"E.-30.00 feet to a point on the East line of the Northeast 1/4, of said Section 22; thence S.0°09'56"E.-251.85 feet along said East line to the point of beginning.



Owner:
Charles Terrance Nelson
27 Eastmoreland Lane
Decatur, Illinois 62521
Phone 217/428-0567

Surveyed Tract is a part of
Parcel I.D. #17-22-200-001

Flood Hazard Statement-This property is located in Zone X,
an area determined to be outside the 500-year floodplain.
FEMA Map No. 17167C0325E, effective date May 3, 2004.



Legend

Scale: 1" = 200'
○ = Iron Pin From
Previous Surveys
● = 5/8" Iron Pin
Set This Survey

Owner's Statement

We the undersigned, _____, owners of the
real estate shown and described on this plat of survey, do hereby convey in
fee simple the right-of-way parcel shown to the Illiopolis Township Road
District.

Date: _____

Owner _____

**BEARINGS ARE ASSIGNED AND ARE
RELATIVE TO THIS SURVEY ONLY.**

Survey Notes:

- 1.) The field and office procedures were performed under my direct supervision in the month of October 2004.
- 2.) No investigation was made concerning environmental or subsurface conditions or the existence of underground utilities in the course of this survey.
- 3.) The boundary of this property was determined by the physical location of existing monumentation in Section 22 and the surrounding sections.
- 4.) This survey conforms with the current IPLSA Standards of Practice applicable to boundary surveys.

Surveyor's Certificate

I, Robert L. Cox, Illinois Professional Land Surveyor Number 2442, do hereby certify to the best of my knowledge and belief, that this plat correctly represents the results of a survey performed by me in the month of October 2004, in accordance with state statutes governing survey work in the State of Illinois.

October 18, 2004

Robert L. Cox
IL Professional Land Surveyor No.2442
(License Expires November 30, 2004)

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PHOTO DATE: 2004 12 1 3:26:30 PM	PHOTO TIME:
SITE NAME: Charles Terrence Nelson	CASE #: 2004-79
ADDRESS: 1833 South Mt. Pulaski Rd., Illiopolis	INDEX #: 17-22-0-200-001



COMMENTS: From South Mt. Pulaski Rd looking west.

LAND AREA:	EXISTING ZONING:	PROPOSED ZONING:
OTHER COMMENTS:		

ZONING VARIANCE CHECK LIST

PETITIONER: Nelson, Charles Terrence

ADDRESS: 1833 South Mt. Pulaski Road

EXISTING ZONING: A

REQUEST DESCRIPTION: **Variance to allow the lot depth to exceed 2 ½ times the lot width and a variance to allow the lot area to exceed the 5 acre maximum for one parcel.**

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			



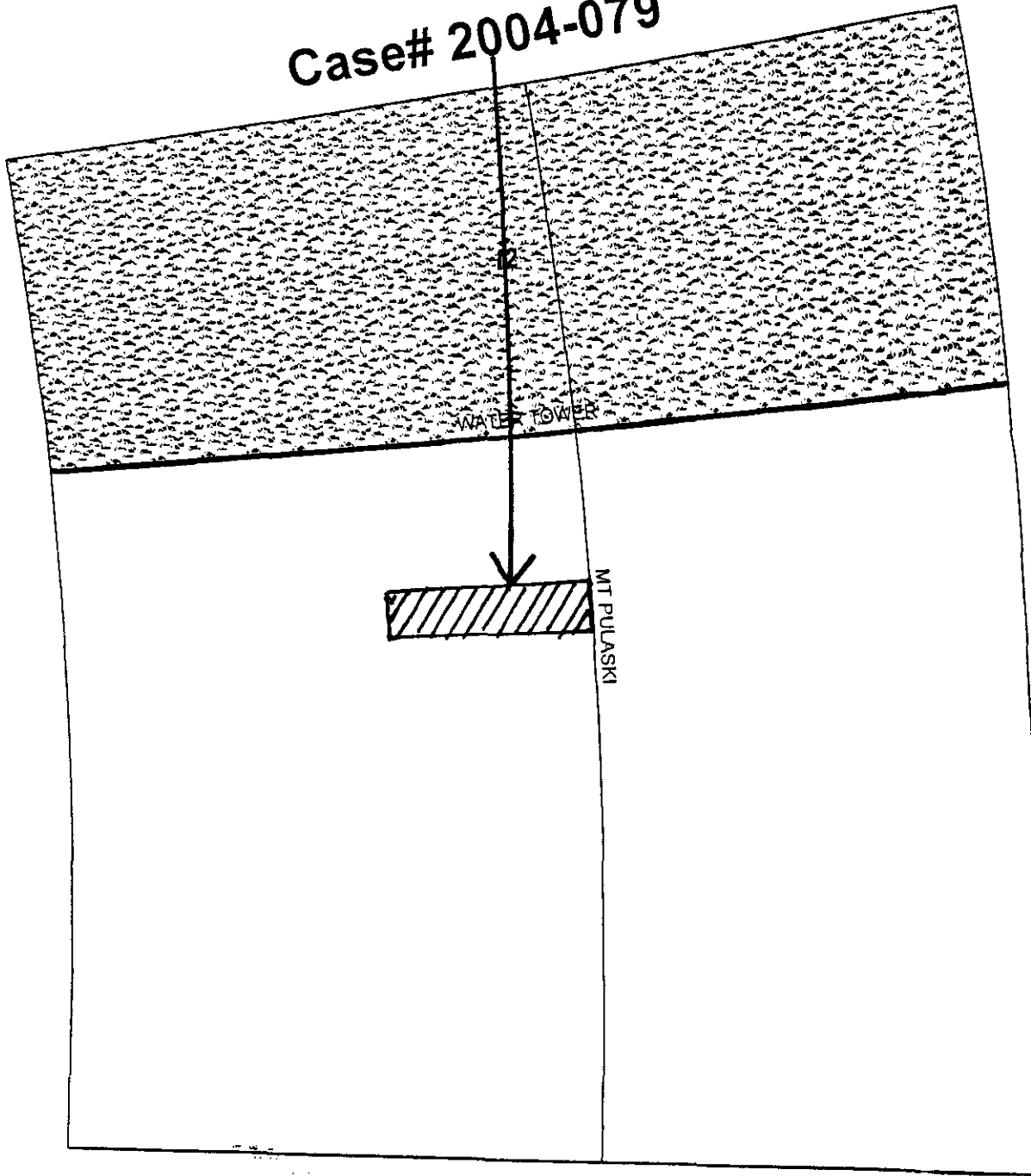
Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>So. Mt. Pulaski Rd. - 2,640'</u>		<u>880'</u>	<u>90/130'</u>	<u>260'</u>	<u>160 acres</u>
<u>Water Tower Rd. - 2,640'</u>		front	side	rear	

OTHER COMMENTS:

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

County Zoning

Case# 2004-079



County Zoning

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

City Zoning

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

0 500 1,000 Feet



RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2004-79**

Address: **1833 South Mt. Pulaski 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 existing home and outbuildings sit far off the road and could not be divided from the cropland without zoning relief.

- (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