

CASE # 2005-08  
RESOLUTION NUMBER 3-1

**GRANTING VARIANCES**  
FOR CERTAIN PROPERTY LOCATED  
IN THE 10,500-10,750 BLOCKS OF WAVERLY ROAD  
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 North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 24 all in Township 14 North, Range 8 West of the Third Principal Meridian, Maxwell Township, Sangamon County, Illinois. Containing 80 acres, more or less.**

WHEREAS, the Petitioner, *Vera O'Donnell and David W. Mies*, has petitioned the Sangamon County Board for a **variance to allow the lot area to exceed the 5 acre maximum and to allow the lot depth to exceed 2 ½ times the lot width for one parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **February 17, 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 Board of Appeals.

**FILED**

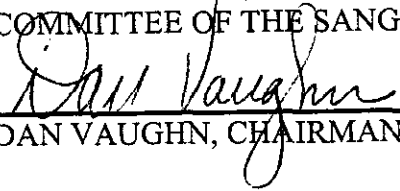
FEB 23 2005

*Joe Aiello*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 8<sup>th</sup> day of March, 2005 that variances to allow the lot area to exceed the 5 acre maximum and to allow the lot depth to exceed 2 ½ times the lot width for one parcel on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 8<sup>th</sup> day of March, 2005.

Respectfully submitted,

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

\_\_\_\_\_  
ABE FORSYTH

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

\_\_\_\_\_  
TYRONE PACE

\_\_\_\_\_  
TIM MOORE

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

**ATTEST:**

  
SANGAMON COUNTY CLERK

  
COUNTY BOARD CHAIRMAN

3-5

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
▶ As Recommended by the Board of Appeals ◀**

Case #: 2005-08

Address: 10,500-10,750 Blocks of Waverly 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 variance will allow optimum economic use of the property under the terms of the estate and trust of the Mies family**

- (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.

**Circumstances are unique in that two 5 acre tract could be divided off the parcel but family members would prefer to keep the property in agricultural use.**

- (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.**

RECAP  
(For County Board Use)

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

DOCKET NUMBER: **2005-08**

ADDRESS: **10,500-10,750 Blocks of Waverly Road, Waverly, IL. 62692**

PETITIONER: **Vera O'Donnell & David W. Mies**

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

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

AREA: **80 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The standards for variation are not met, particularly there are no circumstances unique to the property.**

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>2005-08</b>
<b>Vera O'Donnell and David W. Mies</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>10,500-10,750 Blocks of Waverly Road</b>
	)	<b>Waverly, IL. 62692</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** 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 **February 17, 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 **10,500-10,750 Blocks of Waverly, IL. 62692** and more particularly described as:

**The North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 24 all in Township 14 North, Range 8 West of the Third Principal Meridian, Maxwell Township, Sangamon County, Illinois. Containing 80 acres, more or less.**

- 3. That the present zoning of said property is "A" Agricultural District.
- 4. That the present land use of said property is Farmland.
- 5. That the proposed land use of said property is Farmland.
- 6. That the requested variances of said property are: to allow the lot area to exceed the 5 acre maximum and to allow the lot depth to exceed 2 1/2 times the lot width 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.

*Charles Chimento*  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** based on the attached **Standards for Variations**, to recommend to the County Board that the petition be granted, which was duly seconded by **John Goleman**.

The vote of the Board was as follows:

YES: **John Goleman, Patrick Somers, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Charles Chimento, Donn Malwick, Barbara Braner**

*D. J. Armstrong*  
 \_\_\_\_\_  
 RECORDING SECRETARY

**ZONING VARIANCE CHECK LIST**

DATE: 1-28-05

INSPECTED BY: DK LW

PETITIONER: O'Donnell, Vera and Mies, David W.  
 ADDRESS: 10,500 - 10,750 Blocks of Waverly Road  
 EXISTING ZONING: A

REQUEST DESCRIPTION: **Variations are requested to allow the lot area to exceed the 5 acre maximum and to allow the lot depth to exceed 2 1/2 times the lot width 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				
PROBLEMS FORESEEN	height	X			
	parking	X			
	drainage	X			
	sewer	X			
	traffic flow	X			



Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Waverly Rd. 1,320'</u>		<u>--</u>	<u>--</u>	<u>--</u>	<u>80 acres</u>
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: **Recommend denial. The standards for variation are not met, particularly there are no circumstances unique to the property.**

# County Zoning

## Case# 2005-08

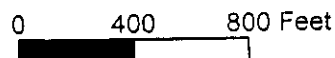


### County Zoning

	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 #: **2005-08**

Address: **10,500 – 10,750 Blocks of Waverly 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 land as desired by the heirs.**

- (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.

**No. The property is cropland, similar to other tracts of land in the area.**

- (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**