

CASE # 2005-23 10-1
RESOLUTION NUMBER _____

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
4904 BLOCK OF PEC 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:

See **EXHIBIT A**

WHEREAS, the Petitioner, **Gerald Butler**, has petitioned the Sangamon County Board for a **variance to allow the lot area to exceed the 5 acre maximum for one parcel and a variance to allow the lot depth to exceed 2 ½ times the lot width for one parcel to allow the tract to be divided into 2 parcels;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **April 21, 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

APR 29 2005

Joe Quill
Sangamon County Clerk

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

Signed and passed by the Sangamon County Board in session on this 10th day of May, 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

EXHIBIT A

Part of the Northwest Quarter of Section 26, Township 16 North, Range 6 West of the Third Principal Meridian, as follows: Beginning at a point of intersection of the center line of a Township Road with the West line of said Section, said point begin 720 feet South of the Northwest corner of said Section, thence South on the Section line 1562.5 feet to the center of Spring Creek; thence following the meanderings of said stream Southeasterly to the intersection of the creek and the Quarter Section line; thence East on the Quarter Section line 562.57 feet; thence North 1950.35 feet to the centerline of aforesaid Township Road; thence Southwesterly 1004.39 feet to the point of beginning; except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals; situated in Sangamon County, Illinois.

John W. Garrison, Jr.
 Professional Land Surveyor
 1055 Glenway Drive
 Glenam, IL 62536
 (217) 483-7580

JEFFREY M. PARK
 4904 PEC ROAD
 SPRINGFIELD, IL 62711
 217-793-0558

TAX ID: 13-26-0-100-013

10

720.00'

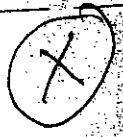
PEC ROAD

S 83°32'12" W - 715.78'

288.6'



16.03 ACRES ±



176.09'

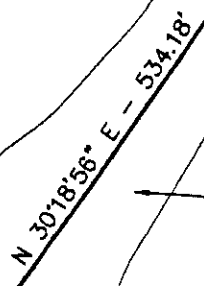
N 0°51'13"

176.65'

N 27°1'25" E

N 46°52'29" E
106.67'

S 78°40'07" E
55.94'



POND

N 30°18'56" E - 534.18'

157.48'

WEST

(X) proposed location(s) for a Cabin in future

PRELIMINARY

S 1°02'09" E - 1602.87'



CENTER OF SPRING CREEK

N 2°05'07" W - 944.36'

S 73°28'25" E
410.63'

RECAP
(For County Board Use)

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

DOCKET NUMBER: 2005-23

ADDRESS: 4904 PEC Rd., Springfield, IL. 62707

PETITIONER: Gerald Butler

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 for one parcel and a variance to allow the lot depth to exceed 2 1/2 times the lot width for one parcel to allow the tract to be divided into 2 parcels.

AREA: 41.86 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: 2005-23
Gerald Butler))
)	PROPERTY LOCATED AT:
)	4904 PEC Rd.
)	Springfield, IL. 62707
))

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 21, 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 **4904 PEC Rd., Springfield, IL. 62707** 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**.
- 5. That the proposed land use of said property is **single family residence and weekend cabin/getaway on 16.03 acres**.
- 6. That the requested **variances** of said property is: **to allow the lot area to exceed the 5 acre maximum for one parcel and to allow the lot depth to exceed 2 1/2 times the lot width for one parcel to allow the tract to be divided into 2 parcels**.
- 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**.


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **John Goleman** 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

ZONING VARIANCE CHECK LIST

PETITIONER: Butler, Gerald
 ADDRESS: 4904 PEC Road
 EXISTING ZONING: A

REQUEST DESCRIPTION: **Variance to allow one parcel greater than 5 acres and a variance to allow the lot depth to exceed 2 ½ 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	height	X			
	parking	X			
PROBLEMS FORESEEN	drainage	X			
	sewer	X			
	traffic flow	X			



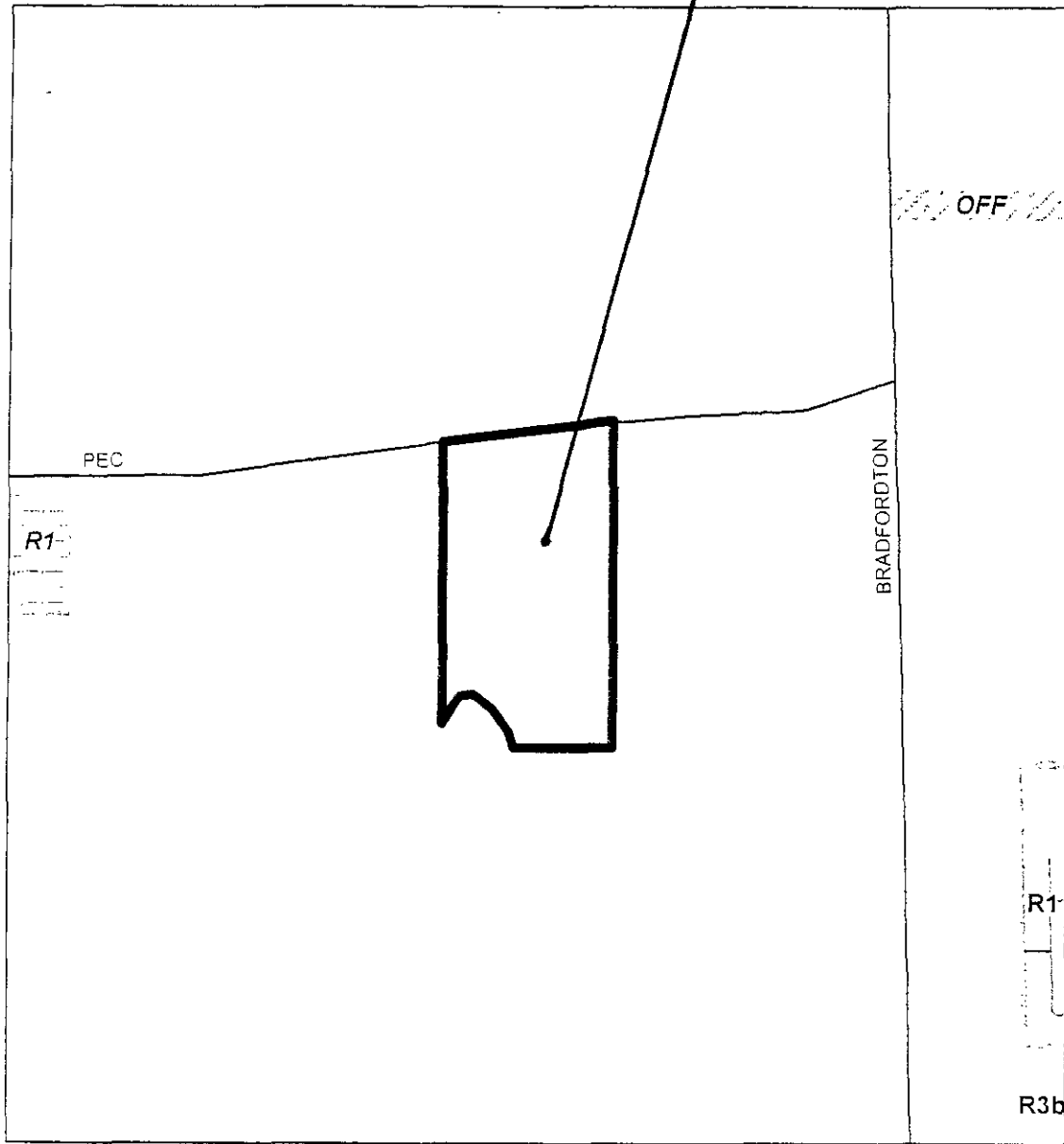
Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>PEC Road - 1,004</u>	<u>600</u>	<u>550/370</u>	<u>1,250</u>	<u>41.86 acres</u>	
	front	side	rear		

OTHER COMMENTS:

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

County Zoning

Case# 2005-023



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

0 500 1 000 Feet





RECOMMENDED STANDARDS FOR VARIATIONS

Case #: **2005-23**

Address: **4904 PEC 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 property is rolling and it would be logical to create the new tract based on the topography of the land.

- (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