

CASE # 2005-64
RESOLUTION NUMBER 4-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
3237 LUTHIN ROAD, SHERMAN
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, **John Jr. & Lori Haggard**, have petitioned the Sangamon County Board for a **variance to allow 1 lot with no road frontage and to the allow lot width to be met greater than 60' from a public road**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **September 15, 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

SEP 20 2005

Jan A. [Signature]
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 11th day of October, 2005 that the request for a variance to allow 1 lot with no road frontage and to allow the lot width to be met greater than 60' from a public road on the above referenced property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 11th day of October, 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

DAVID MENDENHALL

ATTEST:

Joe D'ello

SANGAMON COUNTY CLERK

A. Van Meter

COUNTY BOARD CHAIRMAN

Exhibit A

Part of the West half of the SW fractional $\frac{1}{4}$ of Sec 7, Twp 17 North, R 4 W of the 3rd P.M., Sangamon County, IL, more particularly described as follows: Commencing at a point on the East line and 20 feet north of the SE corner of the said West half of the SW fractional $\frac{1}{4}$ of Sec 7; thence north on the East line of said West half, 1,408.21 feet; thence west parallel to the South line of said West half, 660.00 feet; thence south parallel to the East line of said West half, 1408.21 feet; thence east parallel to the South line of said West half 435.60 feet; thence north parallel to the East line of said west half, 435.60 feet; thence east parallel to the South line of said West half 200.00 feet; thence south parallel to the East line of said West half 435.60 feet; thence east parallel to the South line of said West half 25 feet to the point of beginning.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 2 NAME: Dale "Dan" Vaughn

DOCKET NUMBER: 2005-64

ADDRESS: 3237 Luthin Rd., Sherman, IL. 62684

PETITIONER: John Jr. & Lori Haggard

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "A" Agricultural District with a variance to allow 1 lot with no road frontage and to allow the lot width to be met greater than 60' from a public road.

AREA: 19.34 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: 2005-64
John Jr. & Lori Haggard)	
)	PROPERTY LOCATED AT:
)	3237 Luthin Rd.
)	Sherman, IL. 62684
)	

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 **September 15, 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 **3237 Luthin Rd., Sherman, IL. 62684** and more particularly described as:

See **EXHIBIT A**

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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 a **Single Family Residence and a Manufactured Home.**
5. That the proposed land use of said property is **2 Single Family Residences.**
6. That the requested **variances** of said property are: **to allow 1 lot with no road frontage and to allow the lot width to be met greater than 60' from a public road.**
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 **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 **John Goleman.**

The vote of the Board was as follows:

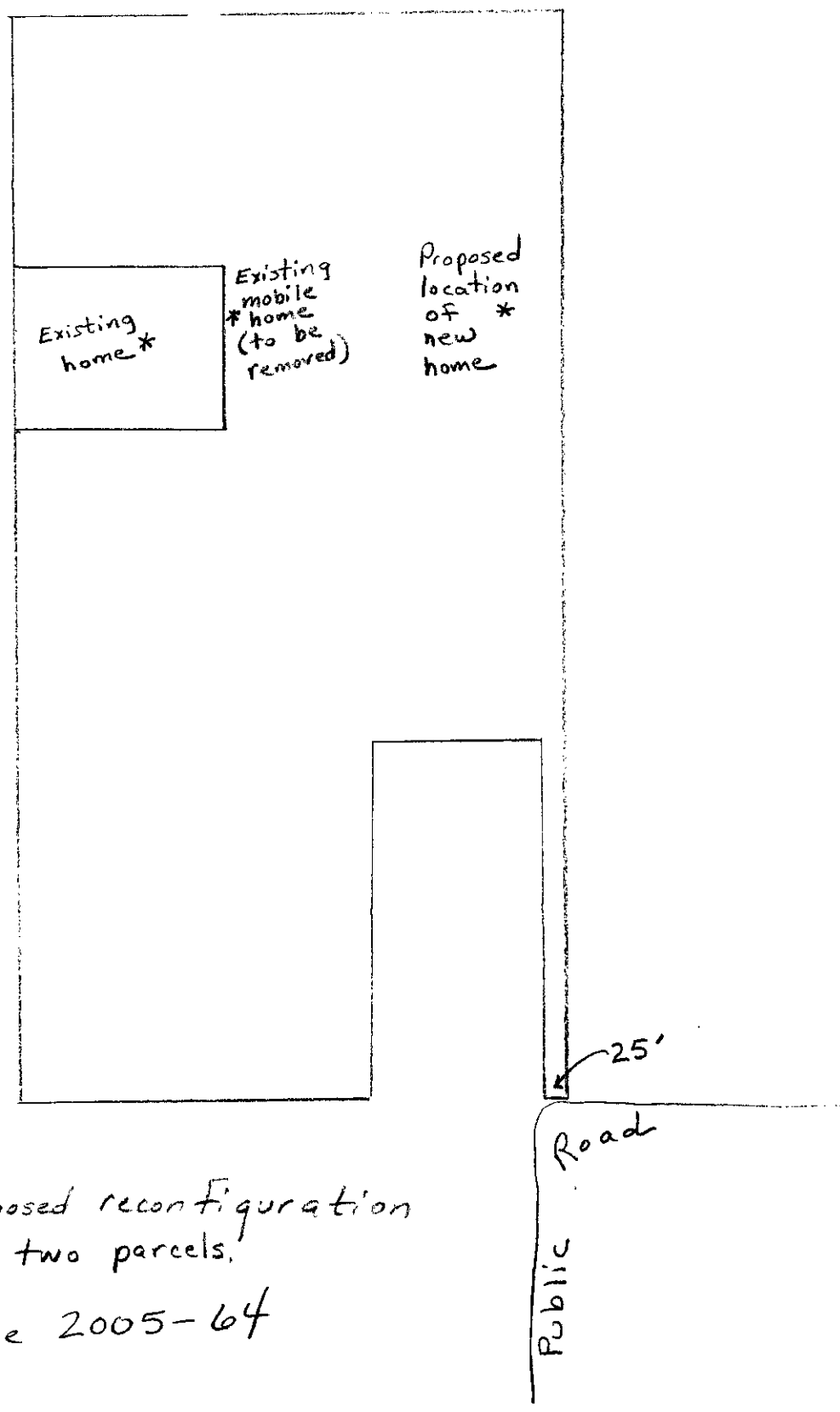
YES: **Charles Chimento, Donn Malwick, John Goleman, Patrick Somers, Marvin Traylor**

NO:

ABSENT:



 RECORDING SECRETARY



Proposed reconfiguration of two parcels.

Case 2005-64

ZONING VARIANCE CHECK LIST

DATE: 8-30-05

INSPECTED BY: DK LW

PETITIONER: Haggard, John Jr. & Lori

ADDRESS: 3237 Luthin Road

EXISTING ZONING: A

REQUEST DESCRIPTION: **Variance is requested to allow 1 lot with no road frontage and to allow lot width to be met greater than 60' from a public road.**

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			



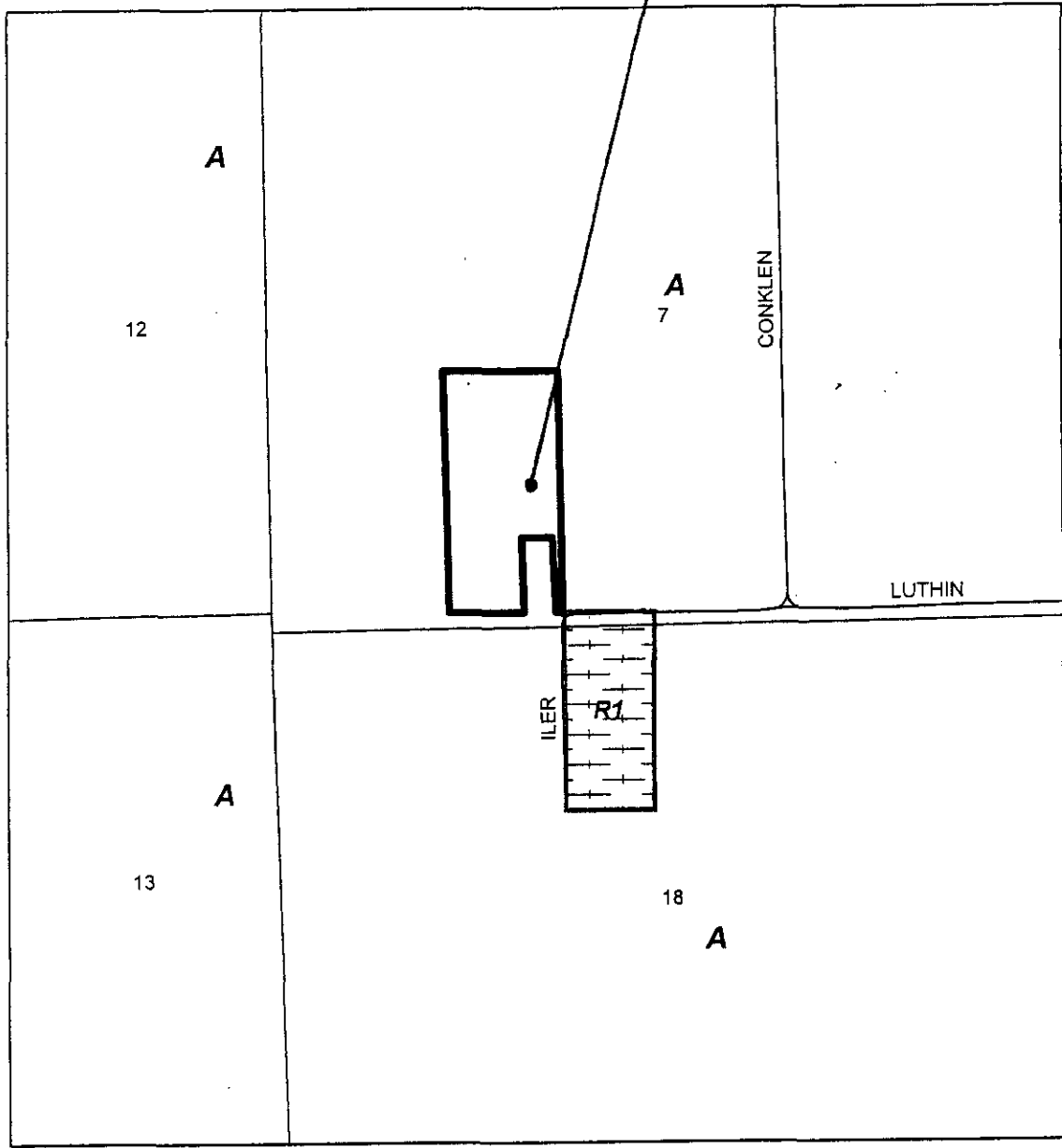
Frontage	Lineal Feet	Existing Yards (ft.)			Area
<u>Luthin Rd. - 25'</u>		<u>Varied</u>			<u>19.34 acres</u>
		front	side	rear	

OTHER COMMENTS:

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

County Zoning

Case# 2005-064

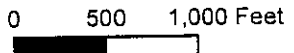


County Zoning

	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 #: **2005-64**

Address: **3237 Luthin 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.

Petitioners would like to reconfigure two tracts and replace a mobile home with a single family residence at a different location on 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 a mobile home and a single family residence on the property although only 25' of road frontage. One of the existing tracts is landlocked and the proposed reconfiguration would also result in one landlocked parcel.

- (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