

CASE # 2007-12  
RESOLUTION NUMBER 11-1

**GRANTING VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**8375 WEST STATE ROUTE 104, AUBURN**  
**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, **Roy Scott Rakes**, has petitioned the Sangamon County Board for a **variance to allow the depth of one parcel to exceed two and one half times the lot width and a variance to allow for two parcels of less than 40 acres each;** and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 15, 2007**, 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**

MAR 29 2007


*Joe Aiello*  
Sangamon County Clerk

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of April, 2007 that the requested variance to allow the depth of one parcel to exceed two and one half times the lot width and a variance to allow for two parcels of less than 40 acres each on the above described property are hereby approved.

Signed and passed by the Sangamon County Board in session on this 11<sup>th</sup> day of April, 2007.

Respectfully submitted,

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



TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

CATHY SCAIFE

TYRONE PACE

SAM SNELL

DON STEPHENS

DAVID MENDENHALL

**ATTEST:**

  
SANGAMON COUNTY CLERK

  
COUNTY BOARD CHAIRMAN

**Exhibit A**

Tract 1: Part of the South Half of the Northeast Quarter of Section 7, in Township 13 North, Range 6 West of the Third Principal Meridian in Sangamon County, Illinois being described as follows: Commencing at the Southeast corner of the Northeast Quarter of Section 7; thence North 89 degrees 31 minutes 40 seconds West 1194.76 feet to the point of beginning; thence North 0 degrees 31 minutes 46 seconds West 1050.56 feet to an iron pin; thence North 89 degrees 39 minutes 32 seconds West 129.26 feet to an iron pin; thence South 0 degrees 34 minutes 14 seconds West 30.00 feet to an iron pin; thence North 89 degrees 39 minutes 32 seconds West 20.78 feet to an iron pin; thence South 0 degrees 31 minutes 46 seconds East 1020.21 feet; thence South 89 degrees 31 minutes 40 seconds East 150.02 feet to the point of beginning, containing 3.60 acres, more or less.

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 6 NAME: **Sam Snell**

DOCKET NUMBER: **2007-12**

ADDRESS: **8375 West State Route 104, Auburn, IL 62615**

PETITIONER: **Roy Scott Rakes**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow the depth of one parcel to exceed two and one half times the lot width and a variance to allow for two parcels of less than 40 acres each**

AREA: **20.67 Acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend approval.**

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>2007-12</b>
<b>Roy Scott Rakes</b> )	
)	PROPERTY LOCATED AT:
)	<b>8375 West State Route 104</b>
)	<b>Auburn, IL 62615</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 **March 15, 2007** 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 **8375 West State Route 104, Auburn, IL 62615** and more particularly described as:

**See Exhibit A**

116

Page 2

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 and cropland**
5. That the proposed land use of said property is **Retain Single Family Residence & sell off farm land.**
6. That the requested **variances** of said property are **to allow the depth of one parcel to exceed two and one half times the lot width to allow for two parcels of less than 40 acres each.**
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 **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 **Donn Malwick**.

The vote of the Board was as follows:

YES: Charles Chimento, Donn Malwick, Peggy Egizii, Patrick Somers, Marvin Traylor

NO:

ABSENT:

  
 RECORDING SECRETARY

**John W. Garrison, Jr.**  
 Professional Land Surveyor  
 1055 Glenway Drive  
 Glenview, IL 60026  
 (773) 493-7500

ROY SCOTT RAKES  
 8375 WEST STATE ROUTE 104  
 AUBURN IL 62615  
 TAX ID: 34-07-200-011

RECORDER OF DEEDS

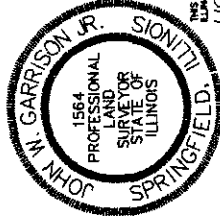
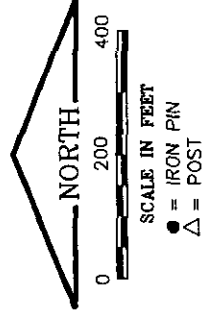
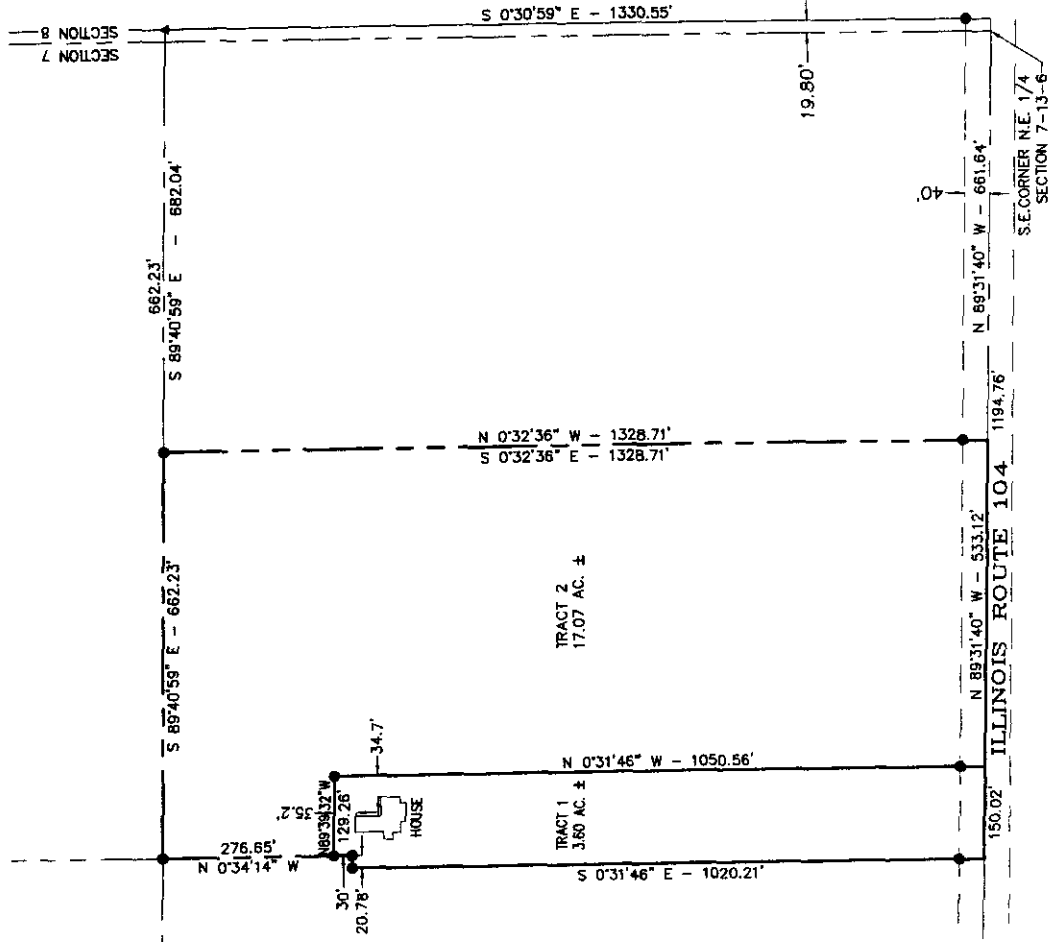
**PLAT OF SURVEY**

**TRACT 1**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, IN TOWNSHIP 13 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 7; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 1194.76 FEET TO THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 31 MINUTES 46 SECONDS WEST 1050.56 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST 129.26 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 34 MINUTES 14 SECONDS WEST 30.00 FEET TO AN IRON PIN; THENCE SOUTH 0 NORTH 88 DEGREES 39 MINUTES 32 SECONDS WEST 20.78 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 31 MINUTES 46 SECONDS EAST 1020.21 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 40 SECONDS EAST 150.02 FEET TO THE POINT OF BEGINNING, CONTAINING 3.60 ACRES, MORE OR LESS.

**TRACT 2**

PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, IN TOWNSHIP 13 NORTH, RANGE 6 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 7; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 661.64 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 31 MINUTES 40 SECONDS WEST 533.12 FEET; THENCE NORTH 0 DEGREES 31 MINUTES 46 SECONDS WEST 1050.56 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 39 MINUTES 32 SECONDS WEST 129.26 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 34 MINUTES 14 SECONDS WEST 278.65 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 40 MINUTES 59 SECONDS EAST 662.23 FEET TO AN IRON PIN; THENCE SOUTH 0 DEGREES 32 MINUTES 36 SECONDS EAST 1328.71 FEET TO THE POINT OF BEGINNING, CONTAINING 17.07 ACRES, MORE OR LESS.



I HEREBY CERTIFY THAT THE ACCOMPANYING PLAT CORRECTLY REPRESENTS THE RESULTS OF A LAND SURVEY MADE UNDER MY DIRECTION.

*John W. Garrison, Jr.*  
 PROFESSIONAL LAND SURVEYOR NO. 1564

THIS PROFESSIONAL SERVICE COMPARES TO THE CURRENT ILLINOIS MARIAM STANDARDS FOR A BOUNDARY SURVEY.  
 LICENSE EXPIRES: 11/30/2006  
 DATE: NOVEMBER 14, 2006  
 PROJECT 2006214

BASIS OF BEARINGS: ASSUMED MERIDIAN.  
 NO PART OF THIS SURVEY IS WITHIN A FLOOD HAZARD AREA AS IDENTIFIED BY FEMA.

11-8

**SSCRPC** Springfield Sangamon County Regional Planning Commission

**Staff Findings and Recommendation**  
 (inspected 2/28/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-12

ADDRESS 8375 West State Route 104

Property Index # 34-07-200-011

PETITIONER Rakes, Scott

REQUESTED ZONING Variance to allow lot depth to exceed 2 1/2 times the lot width and a Variance to allow Tract 1 and 2 to be less than 40 acres.

PROPOSED LAND USE Division of existing home from the cropland.

EXISTING:

ZONING A

LAND USE Single family residence and cropland

ROAD FRONTAGE State Rt. 104 683' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

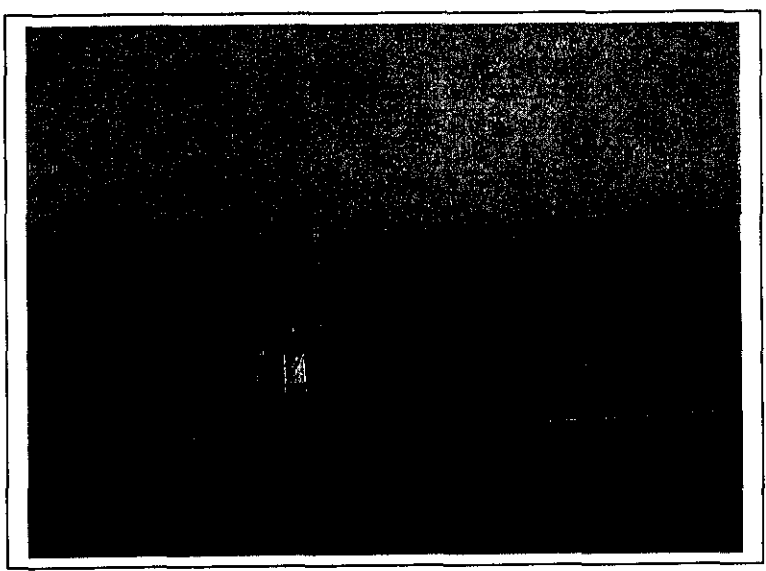
CONDITION OF STRUCTURE Good

LOT AREA 20.67 acres

FRONT YARD 970'

SIDE YARDS 75' / 605'

REAR YARD 320'



Would the proposed zoning be spot zoning? NA

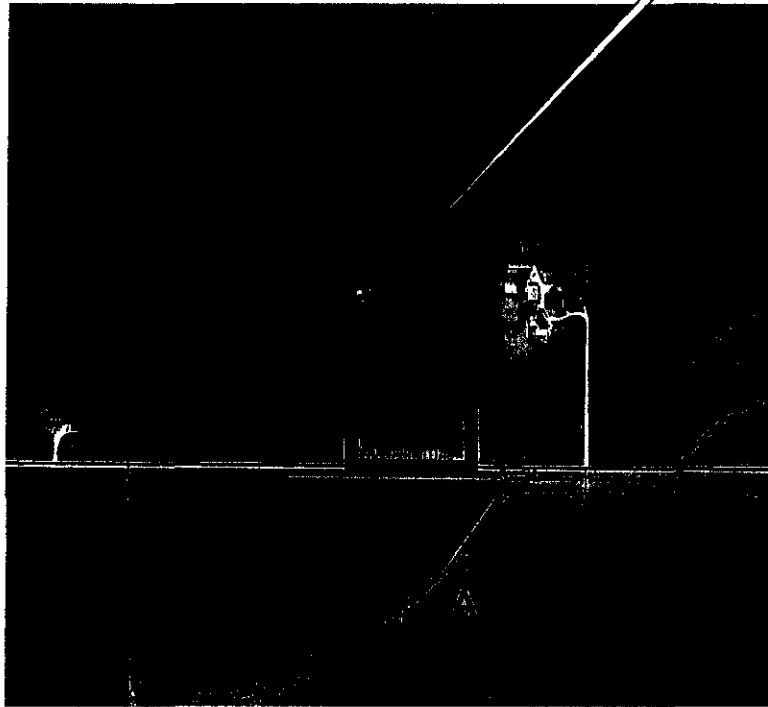
PLANNING COMMISSION STAFF RECOMMENDATION: Recommend approval.



# County Zoning

## Case# 2007-12

Requested:  
Variance



### 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



**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: 2007-12

Address: 8375 West State Route 104

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.

**Granting the variance would facilitate division of 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.

**The request is made to divide off the existing home from the tillable 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 negative impact is anticipated.**