

CASE # 2007-01  
RESOLUTION NUMBER 10-1

**GRANTING VARIANCES**  
**FOR CERTAIN PROPERTY LOCATED AT**  
**5813 POSSUM TROT ROAD, ROCHESTER**  
**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 west ½ of the Southwest Quarter of Section 28, Township 15 North, Range 4 West of the Third Principal Meridian, excepting therefrom the North 705.58 feet.**

WHEREAS, the Petitioners, **Dennis & Diana McEvoy**, have petitioned the Sangamon County Board for **variances of the lot area requirement to allow the lot area to exceed the 5 acre maximum allowed under the one time exception to the bulk regulations provision of the zoning ordinance and to allow the lot depth to exceed 2 ½ times the width for one parcel; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **January 18, 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**

FEB 01 2007

*Joe DiStefano*  
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 13<sup>th</sup> day of February, 2007 that the request for variances of the lot area requirement to allow the lot area to exceed the 5 acre maximum allowed under the one time exception to the bulk regulations provision of the zoning ordinance and to allow the lot depth to exceed 2 ½ times the width for one parcel on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 13<sup>th</sup> day of February, 2007.

Respectfully submitted,

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

\_\_\_\_\_  
TIM MOORE, CHAIRMAN

*Abe Forsyth*  
\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
CATHY SCAIFE

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

\_\_\_\_\_  
SAM SNELL

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

\_\_\_\_\_  
DAVID MENDENHALL

**ATTEST:**

\_\_\_\_\_  
SANGAMON COUNTY CLERK

\_\_\_\_\_  
COUNTY BOARD CHAIRMAN

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 4 NAME: **Andy Goleman**

DOCKET NUMBER: **2007-01**

ADDRESS: **5813 Possum Trot Road, Rochester, IL**

PETITIONERS: **Dennis & Diana McEvoy**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with variances of the lot area requirement to allow the lot area to exceed the 5 acre maximum allowed under the one time exception to the bulk regulations provision of the zoning ordinance and to allow the lot depth to exceed 2 ½ times the width for one parcel.**

AREA: **58.86 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: <b>2007-01</b>
<b>Dennis &amp; Diana McEvoy</b> )	
)	PROPERTY LOCATED AT:
)	<b>5813 Possum Trot Road</b>
)	<b>Rochester, IL</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 **January 18, 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 **5813 Possum Trot Road, Rochester, IL** and more particularly described as:

**The west ½ of the Southwest Quarter of Section 28, Township 15 North, Range 4 West of the Third Principal Meridian, excepting therefrom the North 705.58 feet.**

3. That the present zoning of said property is **"A" Agricultural District.**
4. That the present land use of said property is **farmland, timber, residence.**
5. That the proposed land use of said property is **to divide off an 18 acre parcel for a new residence.**
6. That the requested **variances** of said property are: **of the lot area requirement to allow the lot area to exceed the 5 acre maximum allowed under the one time exception to the bulk regulations provision of the zoning ordinance and to allow the lot depth to exceed 2 ½ times the 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 **approved.**

  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor** 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 **Don Wulf**.

The vote of the Board was as follows:

YES: **Charles Chimento, Donn Malwick, Peggy Egizii, Marvin Traylor, Don Wulf**

NO:

ABSENT: **Patrick Somers, Barbara Braner**

  
 RECORDING SECRETARY

23-28-0  
300-001

23-28-0  
300-003  
4.87

23-28-0  
300-010  
58.86

**Legend**  
Tax Parcel Lines

- Corp
- County
- Geo Twp
- Lot Line
- Min Rights
- Misc
- Parcel
- Pol Twp
- RR
- RR ROW
- Road
- Road ROW
- Section Line
- Sub Line 100
- Sub Line 400
- Water

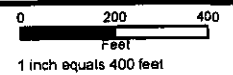
**Sangamon County, Illinois**



**Office Of**  
**Supervisor of Assessments**  
**Sangamon County GIS**

Although strict accuracy standards have been employed in the compilation of this map, Sangamon County does not warrant or guarantee the accuracy of the information contained herein and disclaims any and all liability resulting from any error or omission in this map.

Flight Date: April, 2003



12/19/2006

**ZONING VARIANCE CHECK LIST**

DATE: 1/2/07

INSPECTED BY: LW

PETITIONER: McEvoy, Dennis & Diana  
 ADDRESS: 5813 Possum Trot Road  
 EXISTING ZONING: A

REQUEST DESCRIPTION: Variances of the lot area requirement to allow the lot area to exceed the 5 acre maximum allowed under the one time exception to the bulk regulations provision of the zoning ordinance and to allow the lot depth to exceed 2½ times the 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			



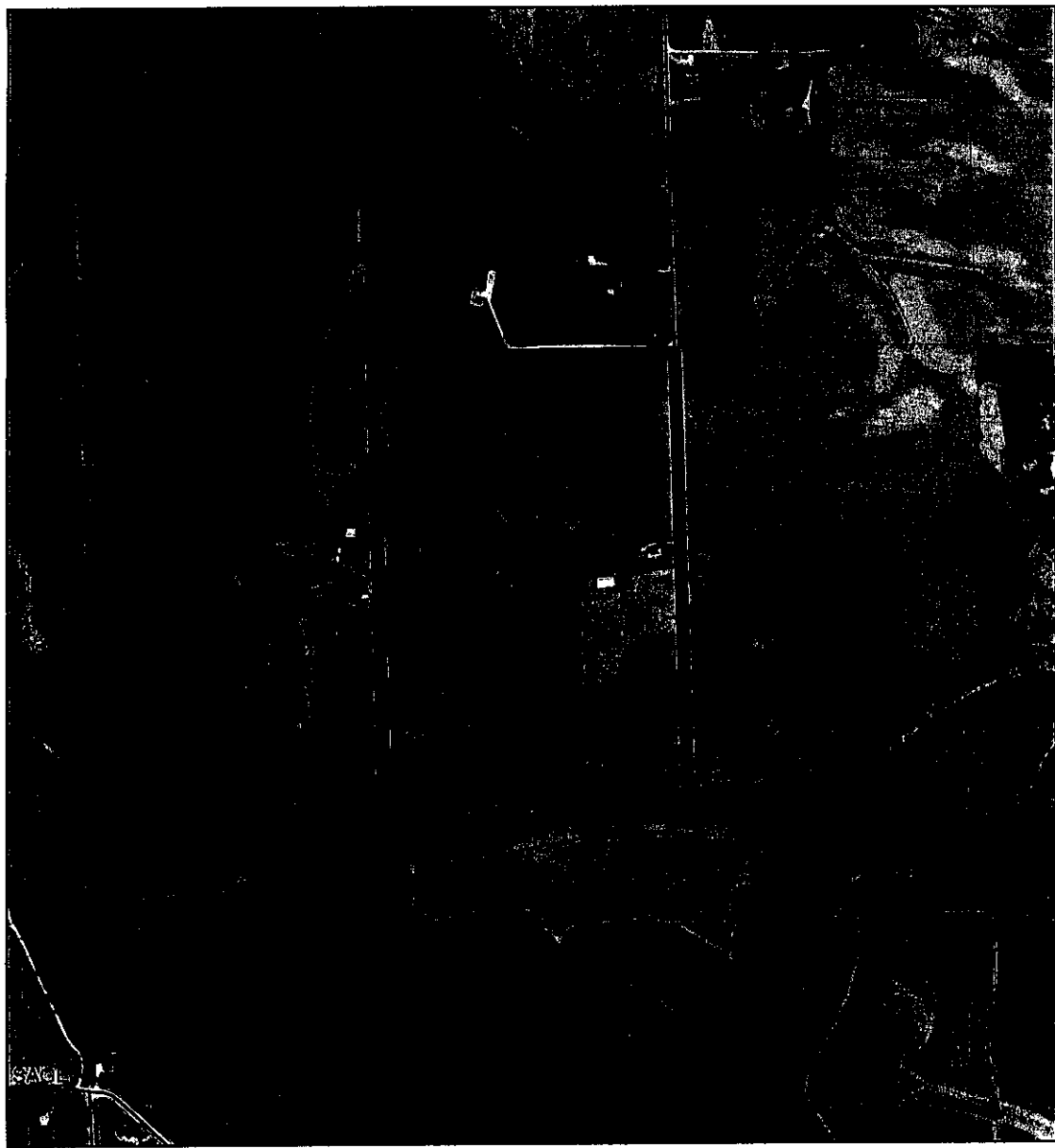
Frontage	Lineal Feet	Existing Yards (ft.)			Area
Possum Trot	830'	70	1,030/870	1,180	58.86 acres
		front	side	rear	

OTHER COMMENTS:

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

# County Zoning

## Case# 2007-01

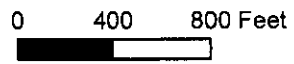


### County Zoning

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

### City Zoning

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







**RECOMMENDED STANDARDS FOR VARIATIONS**

Case #: 2007-01

Address: 5813 Possum Trot 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 desirable timber lies far back from the road.**

(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 adverse impacts are anticipated.**