

FILED

DEC 29 2006

John Aiello
Sangamon County Clerk

CASE # 2006-65
RESOLUTION NUMBER 6-1

GRANTING VARIANCES
FOR CERTAIN PROPERTY LOCATED AT
1020 NORTH OAK 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:

See Exhibit A

WHEREAS, the Petitioners, **John C. Vandenberg, Kirk D. Vandenberg, Chandler M. Vandenberg, Terry J. Vandenberg, and David K. Vandenberg**, have petitioned the Sangamon County Board for a **variance of Section 17.38.030.1 to allow a lot area in excess of 5 acres, a variance to allow the lot depth to exceed two and one-half times the lot width, and a variance to allow the lot width of 150' to be met at a distance greater than 60' from a public road for one lot; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **December 21, 2006**, 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.

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of January, 2007 that the request for a variance of Section 17.38.030.1 to allow a lot area in excess of 5 acres, a variance to allow the lot depth to exceed two and one-half times the lot width, and a variance to allow the lot width of 150' to be met at a distance greater than 60' from a public road for one lot on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of January, 2007.

Respectfully submitted,

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

ABE FORSYTH

BILL MOSS

TYRONE PACE
Tyrone Pace

TIM MOORE

DON STEPHENS

DAVID MENDENHALL

ATTEST:

Joe Aalto

SANGAMON COUNTY CLERK

A. V. ...

COUNTY BOARD CHAIRMAN

EXHIBIT A

Part of the North Half of the Southeast Quarter of Section 10, Township 15 North, Range 4 West of the Third Principal Meridian in Sangamon County, Illinois, described as follows: Beginning at a railroad spike at the Northwest corner of the North Half of the Southeast Quarter of Section 10; thence South 89 degrees 24 minutes 48 seconds East 1840.31 feet; thence South 270.10 feet to an iron pin; thence South 24 degrees 29 minutes 08 seconds West 237.47 feet to an iron pin; thence South 351.75 feet to an iron pin; thence North 89 degrees 20 minutes 01 seconds West 428.23 feet to an iron pin; thence North 854.18 feet to an iron pin; thence North 89 degrees 24 minutes 48 seconds West 1226.75 feet to an iron pin; thence North 0 degrees 58 minutes 23 seconds West 30.00 feet to the point of beginning, containing 11.13 acres, more or less.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: # 3 NAME: **David Mendenhall**

DOCKET NUMBER: **2006-65**

ADDRESS: **1020 North Oak Road, Rochester Illinois**

PETITIONERS: **John C. Vandenberg, Kirk D. Vandenberg, Chandler M. Vandenberg, Terry J. Vandenberg, and David K. Vandenberg**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with variances**

AREA: **11.13 Acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **The staff recommends approval of all variances. The standards of 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: 2006-65
John C. Vandenberg, Kirk D. Vandenberg,)	
Chandler M. Vandenberg, Terry J. Vandenberg)	PROPERTY LOCATED AT:
, and David K Vandenberg)	1020 North Oak Road,
)	Rochester Illinois
)	

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 **December 21, 2006** 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 **1020 North Oak Road, Rochester Illinois** 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 **Single Family Residence.**
- 5. That the proposed land use of said property is **Single Family Residence.**
- 6. That the requested **variances** of said property is: **to allow a lot area in excess of 5 acres, to allow the lot depth to exceed two and one-half times the lot width and to allow the lot width of 150' to be met at a distance greater than 60' from a public road for one lot.**
- 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 **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 **Peggy Egizii.**

The vote of the Board was as follows:

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

NO:

ABSENT:

RJ Armstrong
RECORDING SECRETARY

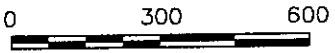
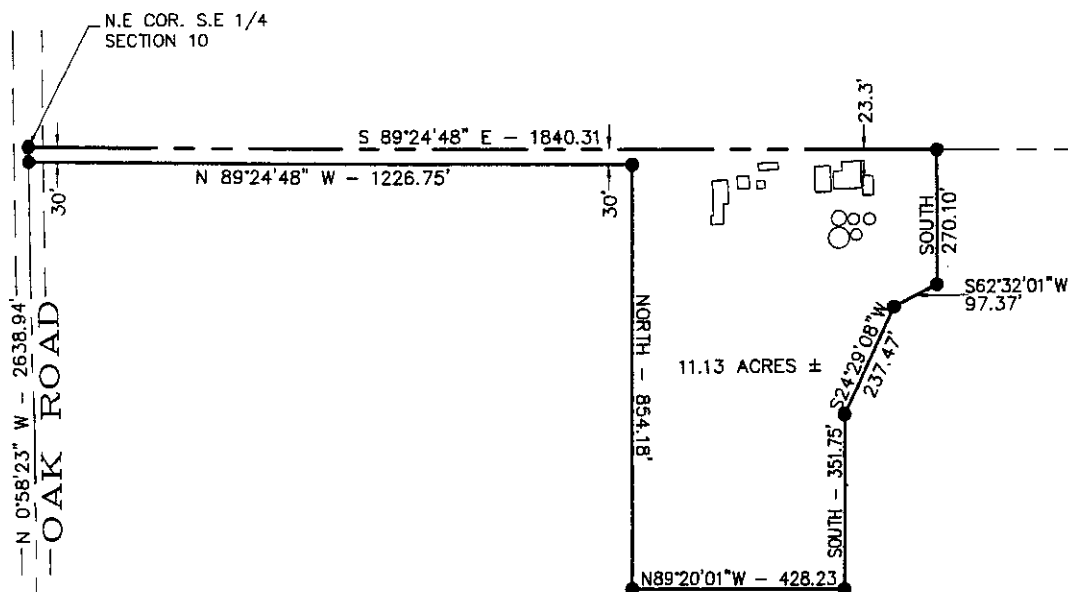
6-9

JOHN C. VANDENBERG (LIFE ESTATE) ET AL
2265 JOSTES ROAD
P.O. BOX 646
ROCHESTER IL 62563-0646
(217)498-6975
PARCEL NO. 23-10.0-400-001
PART OF N1/2 SE 10-15-4

John W. Garrison, Jr.
Professional Land Surveyor
1055 Glenway Drive
Glenview, IL 62538
(217) 483-7680

PLAT OF SURVEY

PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 15 NORTH, RANGE 4 WEST OF THE THIRD PRINCIPAL MERIDIAN IN SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT A RAILROAD SPIKE AT THE NORTHWEST CORNER OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE SOUTH 89 DEGREES 24 MINUTES 48 SECONDS EAST 1840.31 FEET; THENCE SOUTH 270.10 FEET TO AN IRON PIN; THENCE SOUTH 24 DEGREES 29 MINUTES 08 SECONDS WEST 237.47 FEET TO AN IRON PIN; THENCE SOUTH 351.75 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 20 MINUTES 01 SECONDS WEST 428.23 FEET TO AN IRON PIN; THENCE NORTH 854.18 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 24 MINUTES 48 SECONDS WEST 1226.75 FEET TO AN IRON PIN; THENCE NORTH 0 DEGREES 58 MINUTES 23 SECONDS WEST 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11.13 ACRES, MORE OR LESS.



SCALE IN FEET

● = IRON PIN

▨ = EASEMENT

BASIS OF BEARINGS: S 89° 24' 48" E ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 10.

NO PART OF THIS SURVEY IS WITHIN A FLOOD HAZARD AREA AS DETERMINED BY FEMA.

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 CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
LICENSE EXPIRES: 11/30/2006

NOVEMBER 8, 2006

DATE PROJECT 2006203

ZONING VARIANCE CHECK LIST

DATE: 12/11/06

INSPECTED BY: LW

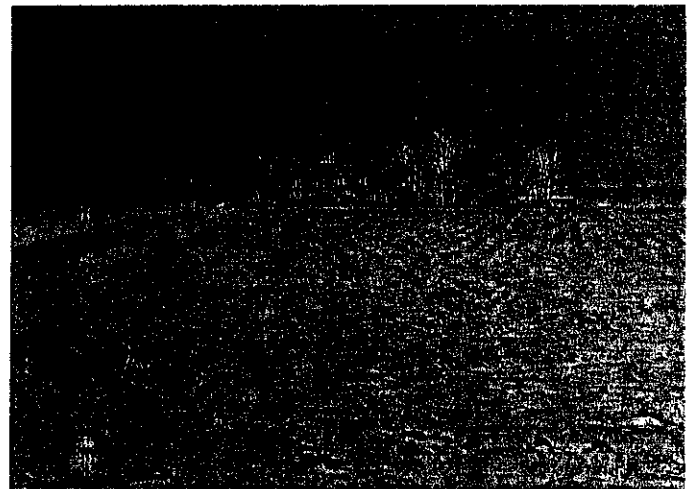
PETITIONER: Vandenberg, John C., Kirk D., Chandler M., Terry J., and David K.

ADDRESS: 1020 N. Oak Road

EXISTING ZONING: A

REQUEST DESCRIPTION: Variances to allow the creation of one lot in excess of the 5 acres allowed under the one time exception to the bulk regulations provision of the Zoning Ordinance, to allow the lot depth to exceed 2 1/2 times the lot width and to allow the lot width of 150 feet to be met at a distance 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			

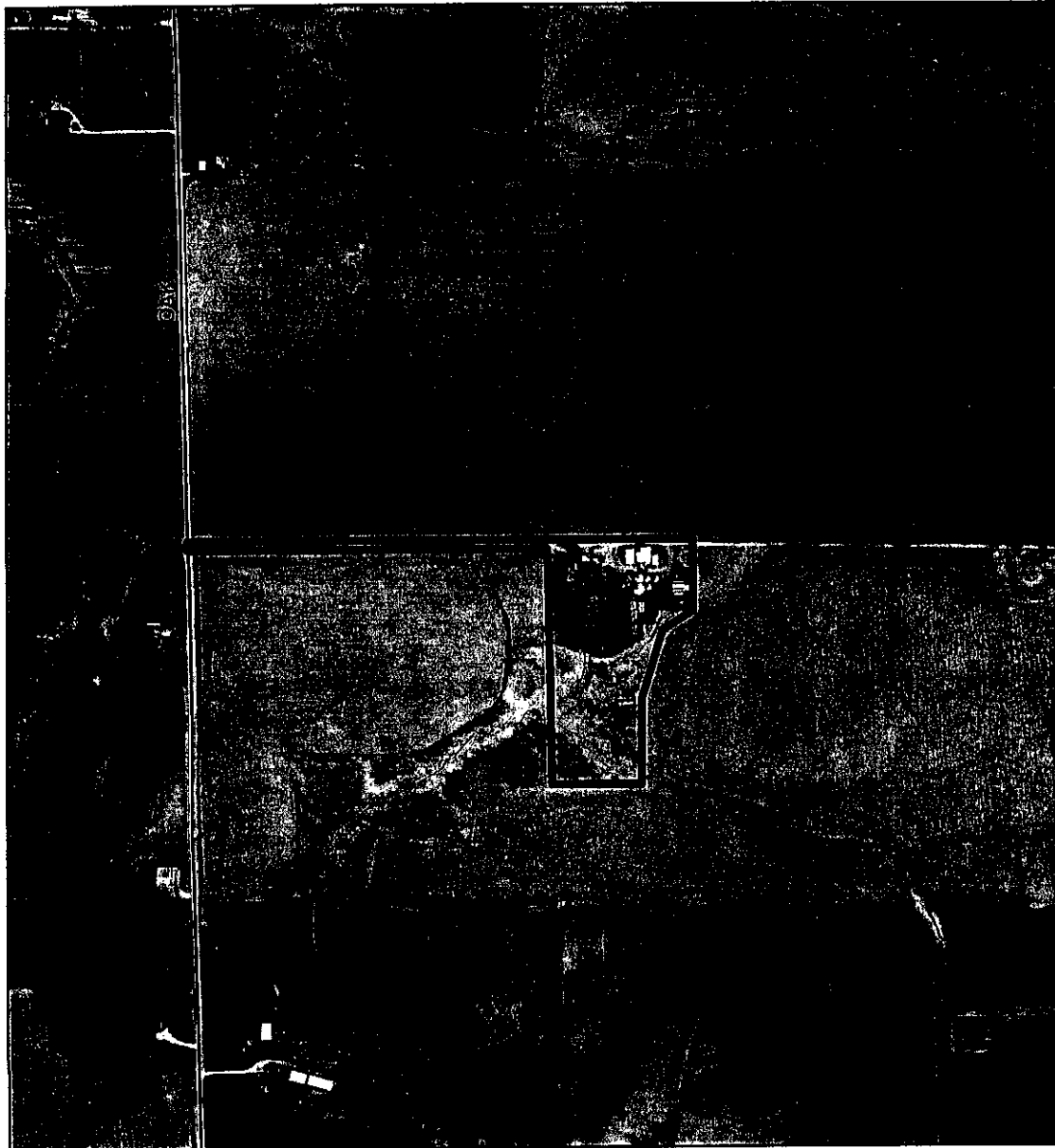


Frontage	Lineal Feet	Existing Yards (ft.)			Area
Oak Road	30'	Varied			11.13 Acres
		front	side	rear	

OTHER COMMENTS:

STAFF RECOMMENDATIONS: The staff recommends approval of all variances. The standards for variation are met.

County Zoning Case# 2006-65

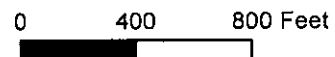


County Zoning

	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 #: 2006-65

Address: 1020 N. Oak 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 requests are made to facilitate the 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 variance would preserve the tillable land while providing individually owned, non-easement based access to the property.

- (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.

The variation would not alter the above mentioned criteria.