

CASE # 2007-52  
RESOLUTION NUMBER 141

**GRANTING VARIANCES  
FOR CERTAIN PROPERTY LOCATED AT  
13500 MAXWELL HALL ROAD, LOAMI  
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, **Duston Suits**, has petitioned the Sangamon County Board for a **variance of 17.49.030 C (1) (2) to permit a small wind energy system 106' in height instead of the 80' maximum, and to allow the wind system to be within 58' of the West property line, 86' of the South property line and within 70' of the residence instead of the 116.6' required; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **August 16, 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.

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 11<sup>th</sup> day of September, 2007 that the request for a variance of 17.49.030 C (1) (2) to permit a small wind energy system 106' in height instead of the 80' maximum, and to

**FILED**

AUG 24 2007

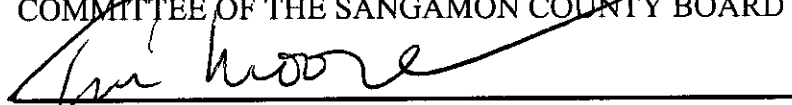
*Joe Aiello*  
Sangamon County Clerk

allow the wind system to be within 58' of the West property line, 86' of the South property line and within 70' of the residence instead of the 116.6' required on the above described property is hereby approved.

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

Respectfully submitted,

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

  
TIM MOORE, CHAIRMAN

\_\_\_\_\_  
ABE FORSYTH, VICE CHAIRMAN

\_\_\_\_\_  
JENNIFER DILLMAN

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

\_\_\_\_\_  
GEORGE PRECKWINKLE

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

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

\_\_\_\_\_  
LINDA DOUGLAS WILLIAMS

**ATTEST:**

  
SANGAMON COUNTY CLERK

  
COUNTY BOARD CHAIRMAN

**Exhibit A**

Beginning at a point on the North line of the Southwest Quarter of Section 17, Township 14 North, Range 7 West of the Third Principal Meridian and 851.77 feet East of a stone at the Northwest corner of the East half of the Southwest Quarter of said Section 17; running thence South 89 degree 38 minutes East along the North line of the Southwest Quarter of said Section 17, for 274.09 feet; thence South 1 degree 17 minutes East for 520.74 feet; thence north 89 degrees 41 minutes West for 285.9 feet; thence North for 520.73 feet to the point of beginning.

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS  
As Recommended by the Board of Appeals**

Case #: 2007-52

Address: 13500 Maxwell Hall 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 permit use of a small wind energy system to generate power for the existing residence on the subject property and will enhance the economic use of the property by reducing electric bills.**

- (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.

**Yes, to work efficiently the system requires a height of 106' due to trees and the need of the system to catch adequate wind. Furthermore the electric service enters the rear of the home and to place the tower further from the home would decrease the efficiency of the system due to the longer transmission run.**

- (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.

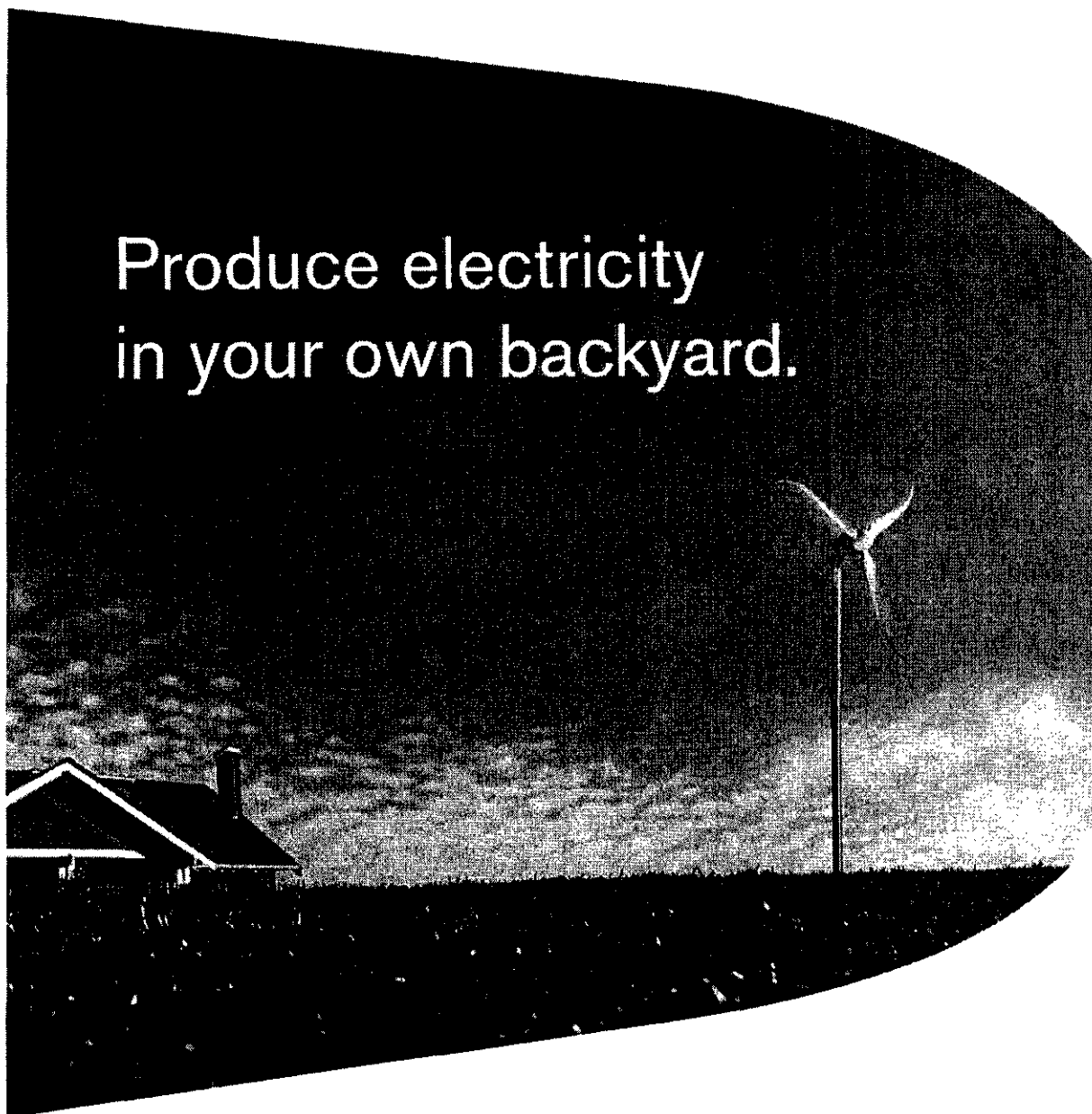
**No, the system will be less visible in the rear of the property and it is very unlikely any structures would be built near the tower on adjacent property.**

145

# SKYSTREAM 3.7™

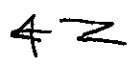
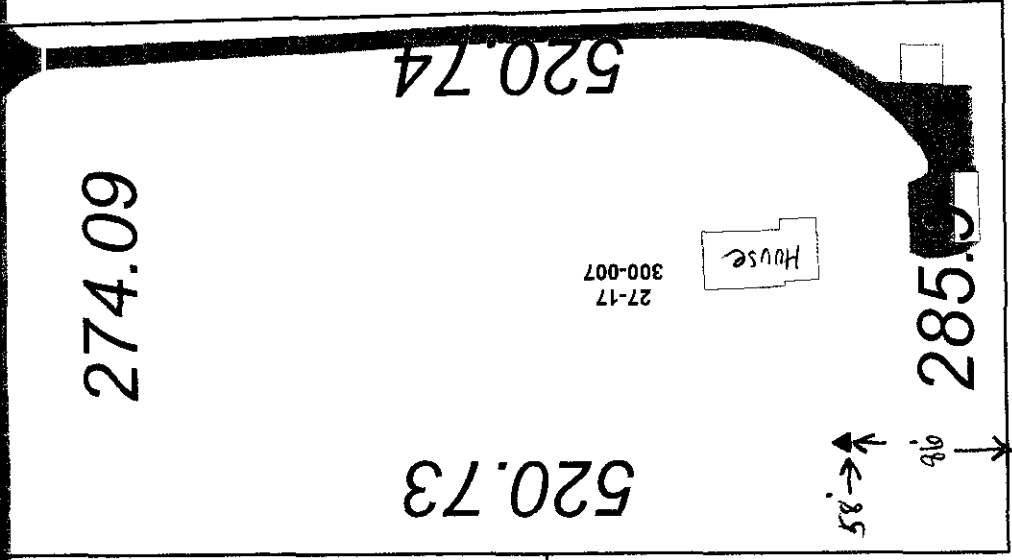
1.8 KW RESIDENTIAL POWER APPLIANCE

Produce electricity  
in your own backyard.



MADE IN THE USA

MAXWELL HALL ROAD



1" = 100'

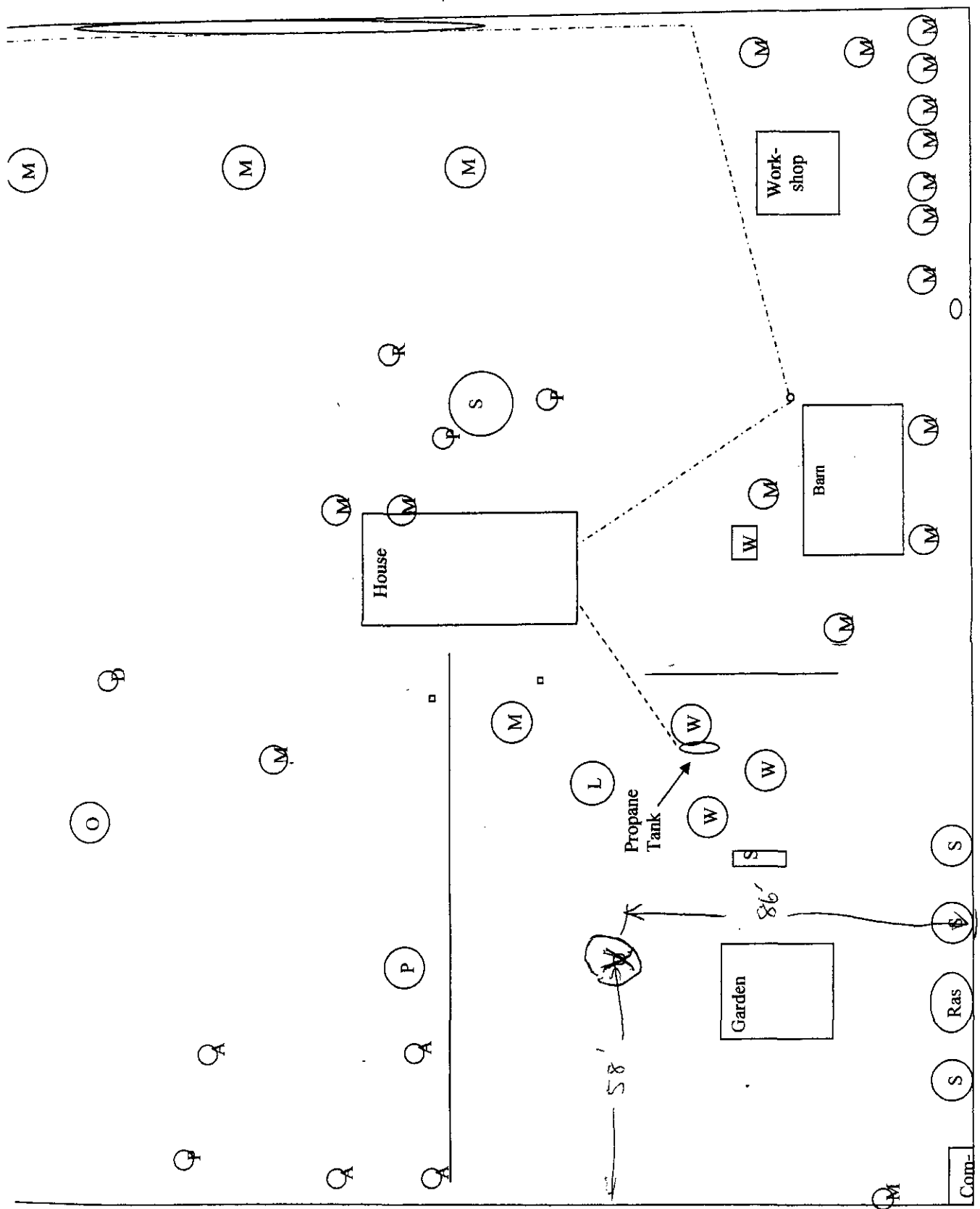
**SULLY CITY**

Geographic Information System

Sangamon County  
Zoning

Sangamon County, Illinois, is not responsible for any errors or omissions in this data. The user assumes all liability for any use of this data. Sangamon County, Illinois, is not responsible for any errors or omissions in this data. The user assumes all liability for any use of this data. Sangamon County, Illinois, is not responsible for any errors or omissions in this data. The user assumes all liability for any use of this data.

Soybeans  
Soybeans



Soybeans

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: # 7 NAME: **Craig Hall**

DOCKET NUMBER: **2007-52**

ADDRESS: **13500 Maxwell Hall Road, Loami, IL 62661**

PETITIONER: **Duston Suits**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of 17.49.030 C (1) (2) to permit a small wind energy system 106' in height instead of the 80' maximum, and to allow the wind system to be within 58' of the West property line, 86' of the South property line and within 70' of the residence instead of the 116.6' required**

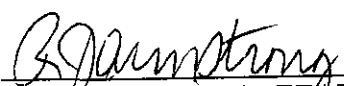
AREA: **3.34 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial. The requested setback variances would compromise the safety provisions of the zoning ordinance established to protect principal structures and adjacent property.**

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>2007-52</b>
<b>Duston Suits</b> )	)
)	PROPERTY LOCATED AT:
)	<b>13500 Maxwell Hall Road</b>
)	<b>Loami, IL 62661</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 **August 16, 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 **13500 Maxwell Hall Road, Loami, IL 62661** 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 small wind energy system.
- 6. That the requested variances of said property is: of 17.49.030 C (1) (2) to permit a small wind energy system 106' in height instead of the 80' maximum, and to allow the wind system to be within 58' of the West property line, 86' of the South property line and within 70' of the residence instead of the 116.6' required
- 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.

*Charlie Chimento*  
 \_\_\_\_\_  
 CHAIRMAN

MINUTES OF THE  
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Peggy Egizii** to concur with the amended findings of fact 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, Peggy Egizii, Patrick Somers, Marvin Traylor**

NO: **Barbara Braner**

ABSENT: **Judith Johnson**

*Bob Armstrong*  
 \_\_\_\_\_  
 RECORDING SECRETARY

14-11

**Exhibit A**

Beginning at a point on the North line of the Southwest Quarter of Section 17, Township 14 North, Range 7 West of the Third Principal Meridian and 851.77 feet East of a stone at the Northwest corner of the East half of the Southwest Quarter of said Section 17; running thence South 89 degree 38 minutes East along the North line of the Southwest Quarter of said Section 17, for 274.09 feet; thence South 1 degree 17 minutes East for 520.74 feet; thence north 89 degrees 41 minutes West for 285.9 feet; thence North for 520.73 feet to the point of beginning.

1412

**SSCRPC** Springfield  
**Sangamon County Regional Planning Commission**

**Staff Findings and Recommendation**  
 (inspected 8/1/07 by LW & AJ)

SANGAMON COUNTY ZONING CASE # 2007-52  
 ADDRESS 13500 Maxwell Hall Road  
 Property Index # 27-17-200-007

PETITIONER Suits, Duston

REQUESTED ZONING A variance of 17.49.030 C (1)(2) to permit a small wind energy system 106' in height instead of the 80' maximum and to allow the wind system to be within 58' of the west property line, 86' of the south property line and within 70' of the residence instead of the 116.6' required.

PROPOSED LAND USE Single family residence and small wind energy system

EXISTING:

ZONING A

LAND USE Single family residence

ROAD FRONTAGE Maxwell Hall Rd. 274.09' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

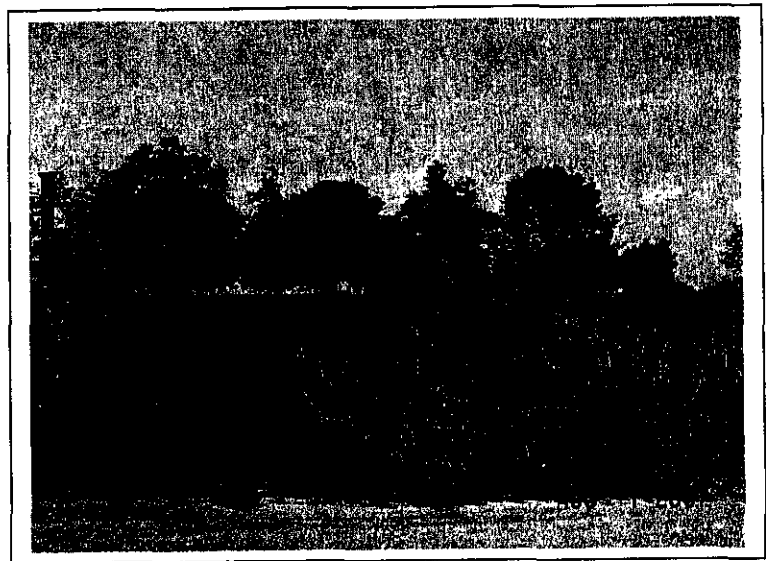
CONDITION OF STRUCTURE good

LOT AREA 3.34 acre

FRONT YARD 360'

SIDE YARDS 135'/107'

REAR YARD 85'

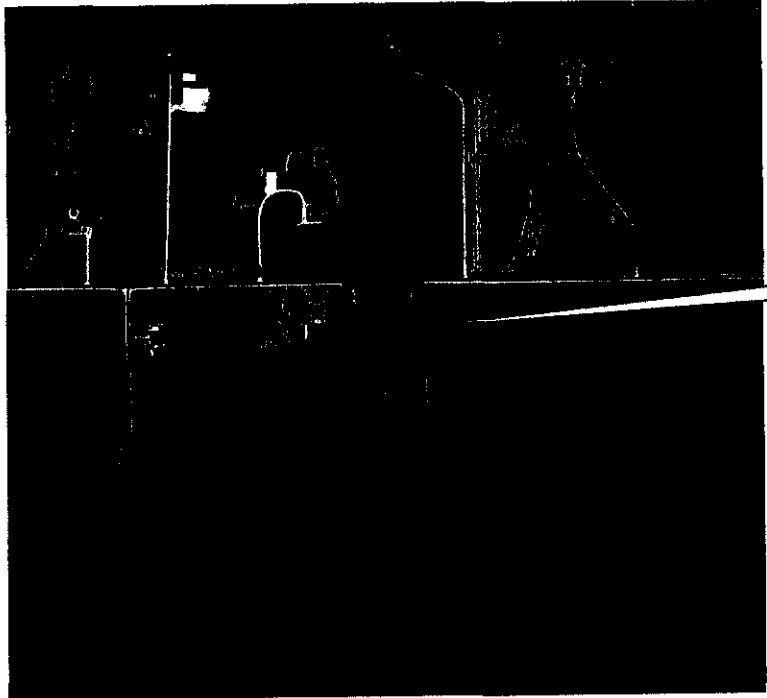


Would the proposed zoning be spot zoning? NA

**PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial. The requested setback variances would compromise the safety provisions of the zoning ordinance established to protect principal structures and adjacent property.**

# County Zoning

## Case# 2007-52



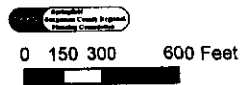
Requested:  
Variance

### County Zoning

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

### City Zoning

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



1414

**SANGAMON COUNTY  
RECOMMENDED - STANDARDS FOR VARIATIONS**

Case #: **2007-52**

Address: **13500 Maxwell Hall Road**

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- (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 permit use of a small wind energy conversion system, to generate power for the existing residence on the subject 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.

**Although the proposed additional height to allow the tower to be built higher than the existing trees would not in itself cause concern, the requested setback variances would compromise the safety conditions established by the zoning ordinance to protect principal structures and adjoining 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 zoning ordinance requires property line setbacks of 1.1 times the height of a wind energy conversion tower specifically to protect adjacent property.**