

CASE # 2008-16
RESOLUTION NUMBER 8-1

GRANTING A VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5696 TAYLOR HOMESTEAD ROAD, PLEASANT PLAINS
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 a variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioners, **James and Susan Hynes**, have petitioned the Sangamon County Board for a **variance of the lot area requirement to allow a residence and a guest house on a single, 40 acre tract**; and

WHEREAS, a public hearing was held at the Sangamon County Building on **March 20, 2008**, 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 variance**; and

WHEREAS, the Sangamon County Board does hereby adopt the recommendation of the Sangamon County Zoning Board of Appeals.

FILED
MAR 26 2008
Joe Diello
Sangamon County Clerk

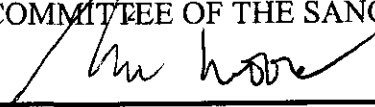
8-2

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 9th day of April, 2008 that the request for variance of the lot area requirement to allow a residence and a guest house on a single, 40 acre tract is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9th day of April, 2008.

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

Part of lot 2 of the Northwest fractional Quarter of Section 31, Township 17 North, Range 6 West of the Third Principal Meridian, being described as follows: Commencing at a stone at the Northeast corner of lot 2; thence South 0 degrees 05 minutes 25 seconds West 1465.13 feet to an iron pin at the point of beginning; Thence North 89 degrees 45 minutes 50 seconds West 1452.50 feet to an iron pin; thence South 0 degrees 19 minutes 06 seconds West 1197.62 feet to an iron pin; thence south 89 degrees 45 minutes 50 seconds East 1457.27 feet to an iron pin; thence North 0 degrees 05 minutes 25 seconds East 1197.62 feet to the point of beginning, containing 40.00 acres more or less.

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

Case #: 2008-16

Address: 5696 Taylor Homestead 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 regulations do present a hardship since a guest home is not allowed and it is clear from the testimony that the structure is a guest home and not intended for full time occupancy.

- (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, circumstances are unique. Where the well, propane tank and electric service had to be located would create problems with dividing 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.

No. A single residence and guest house on 40 acres will not adversely affect the area.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #1 NAME: **Tom Fraase**

DOCKET NUMBER: **2008-16**

ADDRESS: **5696 Taylor Homestead Road, Pleasant Plains, Il 62677**

PETITIONER: **James and Susan Hynes**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance of the lot area requirement to allow a residence and a guest house on 40 acres**

AREA: **40 acres**

COMMENTS: **None**

OBJECTORS: **None**

PLANNING COMMISSION RECOMMENDATION: **Recommend denial of the variance. The request to allow two structures on one parcel is not appropriate when a single structure on one tract is a reasonable use of land. A division of land is highly recommended and is seen as a more appropriate in this case. Staff recommends approval of a variance for two lots less than 40 acres.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval.


RECORDING SECRETARY

8-17

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:)	DOCKET NO: 2008-16
James and Susan Hynes)	
)	PROPERTY LOCATED AT:
)	5696 Taylor Homestead Road,
)	Pleasant Plains, IL 62677
)	

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 a **variance** 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 20, 2008** 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 **5696 Taylor Homestead Road, Pleasant Plains, IL 62677** 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 **carriage house with single family residence under construction.**
- 5. That the proposed land use of said property is **existing use continued.**
- 6. That the requested **variance** of said property is **variance of the lot area requirement to allow a residence and a guest house on a single, 40 acre tract**
- 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 **variance** 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 variance be approved.


 CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member **Marvin Traylor**, in accord with the amended Standards for Variations, that the petition be **approved**, which was duly seconded by **Byron Deaner**.

The vote of the Board was as follows:

YES: Charles Chimento, Byron Deaner, Peggy Egizii, Marvin Traylor and Don Wulf.

NO:

ABSENT:


 RECORDING SECRETARY

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Part of lot 2 of the Northwest fractional Quarter of Section 31, Township 17 North, Range 6 West of the Third Principal Meridian, being described as follows: Commencing at a stone at the Northeast corner of lot 2; thence South 0 degrees 05 minutes 25 seconds West 1465.13 feet to an iron pin at the point of beginning; Thence North 89 degrees 45 minutes 50 seconds West 1452.50 feet to an iron pin; thence South 0 degrees 19 minutes 06 seconds West 1197.62 feet to an iron pin; thence south 89 degrees 45 minutes 50 seconds East 1457.27 feet to an iron pin; thence North 0 degrees 05 minutes 25 seconds East 1197.62 feet to the point of beginning, containing 40.00 acres more or less.

SSCRPC Springfield Sangamon County Regional Planning Commission

Staff Findings and Recommendation
 (inspected 3/5/08 by AJ)

SANGAMON COUNTY ZONING CASE # 2008-16
 ADDRESS 5696 Taylor Homestead Road
 Property Index # 05-31-100-010

PETITIONER Hynes, James and Susan

REQUESTED ZONING A variance of the lot area requirement to allow a residence and a guest house on 40 acres.

PROPOSED LAND USE Carriage house with single family residence that is currently under construction.

EXISTING:

ZONING A

LAND USE Carriage house with single family residence that is currently under construction.

ROAD FRONTAGE	<u>Taylor Homestead Rd. - 1197.62</u>	CONDITION OF PAVEMENT	<u>Good</u>
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STRUCTURE DESIGNED FOR Residence

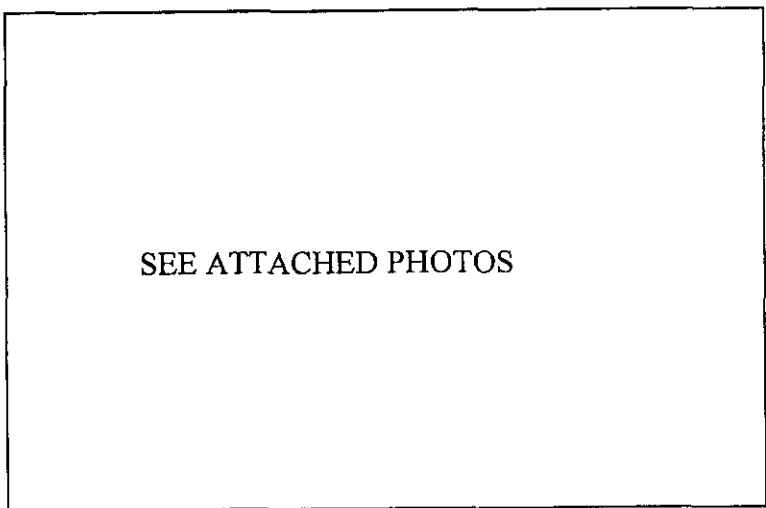
CONDITION OF STRUCTURE Good

LOT AREA 40 acres

FRONT YARD Varied

SIDE YARDS Varied

REAR YARD Varied

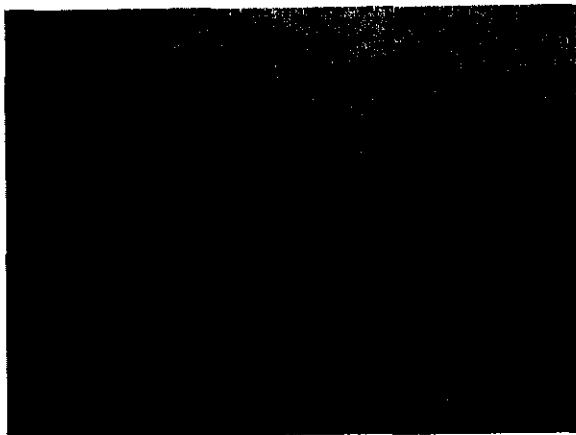


Would the proposed zoning be spot zoning? N/A

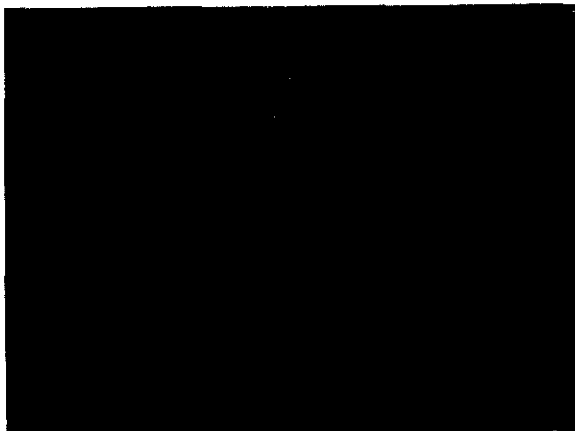
PLANNING COMMISSION STAFF RECOMMENDATION: Recommend denial of the variance. The request to allow two structures on one parcel is not appropriate when a single structure on one tract is a reasonable use of land. A division of land is highly recommended and is seen as more appropriate in this case. Staff recommends approval of a variance for two lots less than 40 acres.

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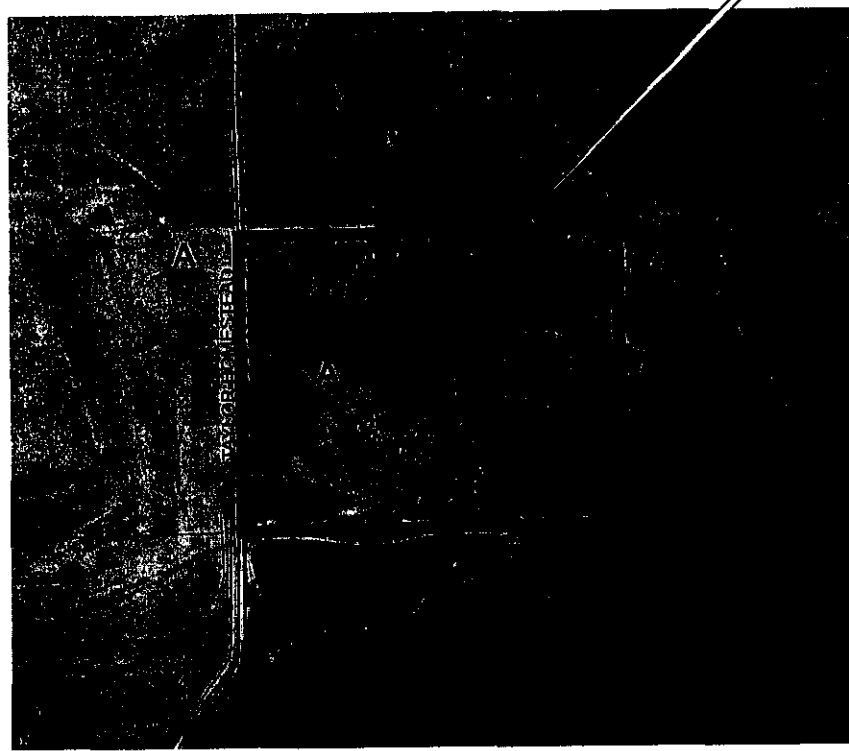


Guest House

County Zoning

Case# 2008-16

Requested:
Variance

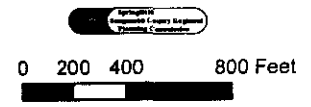


County Zoning

	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 #: **2008-16**

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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 allow 2 principal structures on 40 acres. A single structure on one tract is a reasonable use of land.

- (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 subject property is a large 40 acre parcel with unique topography, lots of timber and very large road frontage.

- (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.