

CASE # 2008-17  
RESOLUTION NUMBER 9-1

**GRANTING A VARIANCE**  
FOR CERTAIN PROPERTY LOCATED AT  
**1294 EAST STATE ROUTE 124, ATHENS**  
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:

**The West 123.603 acres of the northwest quarter of Section 2, Township 17 North, Range 5 West of the Third Principal Meridian.**

WHEREAS, the Petitioners, **Helen & David Faulk**, have petitioned the Sangamon County Board for a **variance to allow a parcel of 7.30 acres instead of the 5 acre maximum**; 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 Aiello*  
Sangamon County Clerk

452

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Sangamon County, Illinois, in session assembled this 9<sup>th</sup> day of April, 2008 that the request for a variance to allow a parcel of 7.30 acres instead of the 5 acre maximum on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 9<sup>th</sup> 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:**

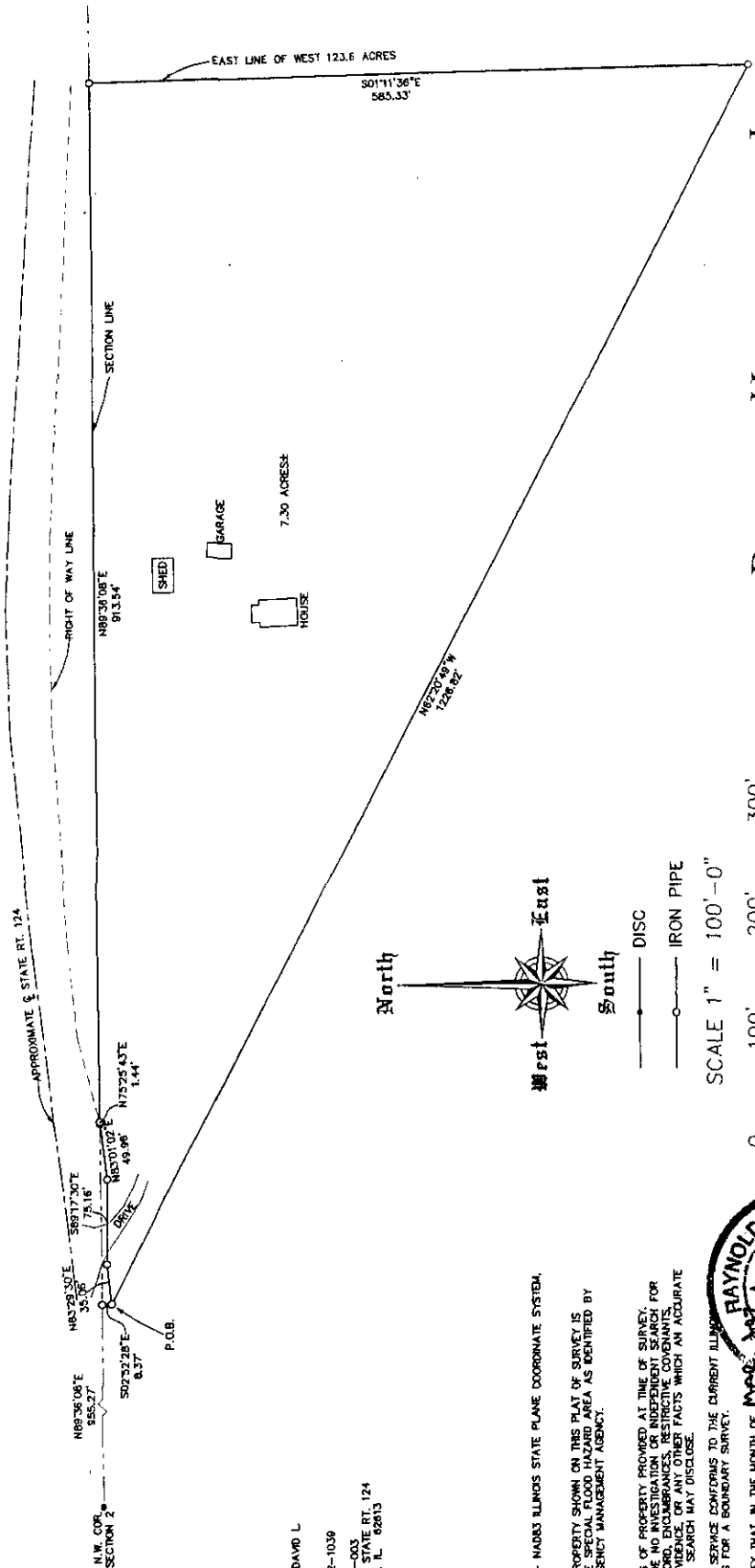
  
\_\_\_\_\_  
SANGAMON COUNTY CLERK

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

# PLAT OF SURVEY

PART OF THE WEST 123.6 ACRES OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SANGAMON COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF SAID SECTION 2; THENCE NORTH 89°38'08" EAST ON THE SECTION LINE, 955.27 FEET; THENCE SOUTH 02°52'28" EAST, 8.37 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF STATE ROUTE 124; THENCE FOLLOWING THE SAID RIGHT OF WAY LINE FOR 14.44 FEET TO A POINT OF BEGINNING; THENCE NORTH 89°38'08" EAST, 913.54 FEET TO A POINT ON THE SECTION LINE; THENCE NORTH 89°38'08" EAST, 49.98 FEET; THENCE NORTH 75°25'43" EAST, 114.44 FEET TO A POINT ON THE SECTION LINE; THENCE NORTH 89°38'08" EAST ON THE SECTION LINE, 913.54 FEET TO THE NORTHEAST CORNER OF AFORESAID "WEST 123.6 ACRES"; THENCE SOUTH 01°11'36" EAST ON EAST LINE OF SAID "WEST 123.6 ACRES", 585.33 FEET; THENCE NORTH 62°20'49" WEST, 1228.82 FEET TO THE POINT OF BEGINNING, CONTAINING 7.30 ACRES, MORE OR LESS.



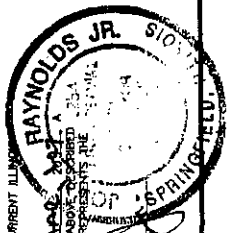
OWNER: MILDEN J. & DAVID L. TRUSTEES  
 1405 PARK AVENUE  
 MENDOTA, IL 61342-1039  
 TAX I.D. 06-02-100-003  
 ADDRESS - 1294 E STATE RT. 124  
 ATHENS, IL 62813

LEGAL DESCRIPTIONS OF PROPERTY PROVIDED AT TIME OF SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

I DO HEREBY CERTIFY THAT, IN THE MONTH OF MARCH, 2007, A SURVEY WAS MADE UNDER MY DIRECTION OF THE AFORESAID PROPERTY AND THAT THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED BY THE RESULTS OF SAID SURVEY.

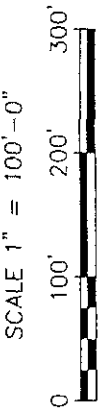
JOHN L. RAYNOLDS JR.  
 PROFESSIONAL LAND SURVEYOR  
 #2254 (EXP. 1/31/08)



RAYNOLDS, HIGGINBOTHAM & JACOBS, L.L.C.  
 LAND SURVEYING, PLANNING & ENGINEERING  
 1025 South Second St., Springfield, IL 62704  
 (217)-241-3500

JOB NUMBER: 2007-038

March, 2007



4-3

RECAP  
(For County Board Use)

COUNTY BOARD MEMBER: #11            NAME: **Mike Sullivan**

DOCKET NUMBER:            **2008-17**

ADDRESS:            **1294 East State Route 124, Athens, IL 62613**

PETITIONER:            **Helen & David Faulk**

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

REQUESTED ZONING CLASSIFICATION: **"A" Agricultural District with a variance to allow a parcel of 7.30 acres instead of the 5 acre maximum.**

AREA:            **7.3 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>2008-17</b>
<b>Helen &amp; David Faulk</b>	)	
	)	PROPERTY LOCATED AT:
	)	<b>1294 East State Route 124</b>
	)	<b>Athens, IL 62613</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 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 **April 9, 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 **1294 East State Route 124, Athens, IL 62613** and more particularly described as:

**The West 123.603 acres of the northwest quarter of Section 2, Township 17 North, Range 5 West of the Third Principal Meridian.**

Page 2

- 3. That the present zoning of said property is **“A” Agricultural District.**
- 4. That the present land use of said property is **farm land with a single family residence.**
- 5. That the proposed land use of said property is **single family residence separated from the farm land.**
- 6. That the requested **variance** of said property is **to allow a parcel of 7.30 acres instead of the 5 acre maximum.**
- 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 **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 **Don Wulf.**

The vote of the Board was as follows:

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

NO:

ABSENT:

  
 RECORDING SECRETARY

4-7

**SSCRPC** Springfield Sangamon County Regional Planning Commission

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

SANGAMON COUNTY ZONING CASE # 2008-17  
 ADDRESS 1294 East State Route 124  
 Property Index # Pt. 06-02-100-003

PETITIONER Faulk, Helen & David

REQUESTED ZONING A variance to allow a parcel 7.30 acres instead of the 5 acre maximum to allow the house to be separated from the farm land.

PROPOSED LAND USE Division of existing home from cropland.

EXISTING:

ZONING A

LAND USE Single family residence and cropland.

ROAD FRONTAGE East State Rte. 124 - 913.54' CONDITION OF PAVEMENT Good

STRUCTURE DESIGNED FOR Residence

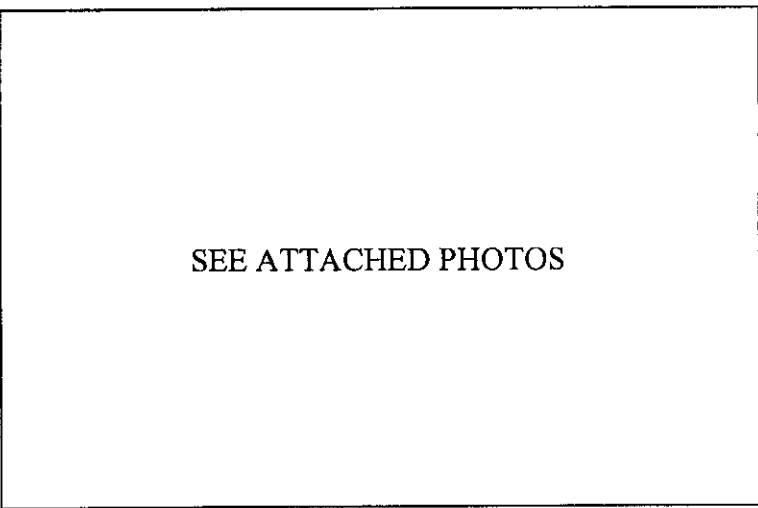
CONDITION OF STRUCTURE Good

LOT AREA 7.3 acres

FRONT YARD 130'

SIDE YARDS 1529' / 357'

REAR YARD 2435'

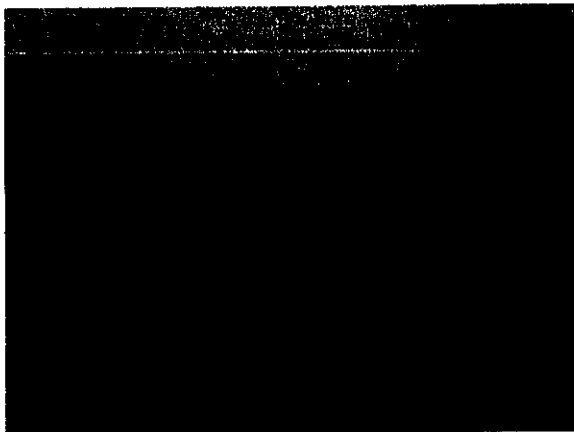


Would the proposed zoning be spot zoning? N/A

PLANNING COMMISSION STAFF RECOMMENDATION: **Recommend approval. The standards for variation are met.**

Case #: 2008-17

Address: 1294 East State Route 124



1294 E. State Route 124



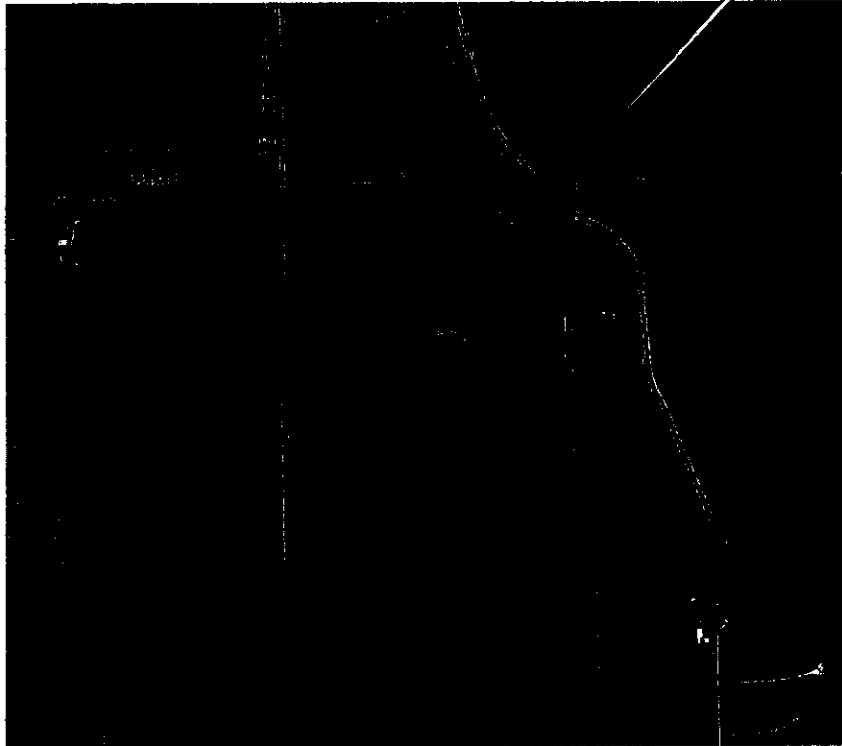
East side of property



# County Zoning

## Case# 2008-17

Requested:  
Variance

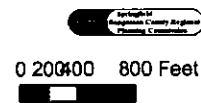


### County Zoning

	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 #: **2008-17**

Address: **1294 East State Route 124**

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.**

- (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 treeline on the property creates a natural division between the home and the cropland resulting in a 7.3 acre tract instead of the 5 acre maximum.**

- (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.**