

GRANTING A REZONING AND VARIANCE
FOR CERTAIN PROPERTY LOCATED AT
5751 SWEENEY DRIVE, 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 an amendment and variance** to the Sangamon County Zoning Ordinance with respect to the following described property, to-wit:

See Exhibit A

WHEREAS, the Petitioner, **Dennis M. McEvoy**, has petitioned the Sangamon County Board for a **rezoning from "A" Agricultural District to "R-1" Single Family Residence District and a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width for two (2) parcels; and**

WHEREAS, a public hearing was held at the Sangamon County Building on **November 18, 2010** 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 rezoning and variance; and**

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

FILED

DEC 02 2010

Joe Aiello
Sangamon County Clerk

NOW, THEREFORE, BE IT RESOLVED by the County Board of Sangamon County, Illinois, in session assembled this 14th day of December, 2010 that the request for a rezoning from "A" Agricultural District to "R-1" Single Family Residence District and a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width for two (2) parcels on the above described property is hereby approved.

Signed and passed by the Sangamon County Board in session on this 14th day of December, 2010.

Respectfully submitted,

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

Tim Moore/CK

TIM MOORE, CHAIRMAN

ABE FORSYTH, VICE CHAIRMAN

JOHN FULGENZI

DAVID MENDENHALL

SAM SNELL

DON STEPHENS

GREG STUMPF

LINDA DOUGLAS WILLIAMS

ATTEST:

SANGAMON COUNTY CLERK

COUNTY BOARD CHAIRMAN

Exhibit A

The South Half of the Southeast Quarter of Section Twenty Eight (28), Excepting so much Thereof as is Used for Cemetery Purposes, Situated in Township Fifteen (15) North, Range Four (4) West of the Third Principal Meridian in Sangamon County, Illinois;

Said Exception Used For Cemetery Purposes Is Described As Follows;

Beginning at a Point One Hundred Ninety Three (193) Feet North and Twenty Five (25) Feet West, From a Stone in the Southeast Corner of said Section Twenty Eight (28), Thence West Parallel With the South Line of Said Section Twenty Eight (28) four Hundred Ninety Three (493) Nine (9) Inches, Thence North Forty four (44) Feet, Eight (8) Inches, Thence East Four Hundred Ninety Three (493) Feet, Nine (9) Inches to a Point Twenty Five (25) Feet West from the East Line of said Section Twenty Eight (28), Thence South Forty Four (44) Feet, Eight (8) Inches to the Place of Beginning and Containing One Half (1/2) Acres, More or Less, Recorded in the Recorder's Office of Sangamon County, Illinois on May 31, 1913 In Book 155 of Deeds, Page 212, Document Number 104283.

And Excepting (Parcel 1)

Part Of The Southeast Quarter Of The Southeast Quarter Of Section 28, Township 15 North, Range 4 West Of The Third Principal Meridian, Described More Particularly As Follows: Commencing At A Stone Marking The Southeast Corner Of The Aforementioned Section 28, Thence North 00 Degrees 01 Minutes 16 Seconds East Along The Section Line A Distance Of 237.67 Feet, Thence North 87 Degrees 28 Minutes 44 Seconds west 60.06 feet To An Iron Pipe Marking The True Point Of Beginning, Thence Continuing North 87 Degrees 28 Minutes 44 Seconds West 459.19 Feet to A Mag Nail In Concrete, Thence South 00 Degrees 00 Minutes 00 Seconds West 240.96 Feet To An Iron Pipe On The Section Line, Thence North 87 Degrees 50 Minutes 27 Seconds West Along The Section Line a Distance of 421.03 Feet To An Iron Pipe, Thence North 00 Degrees 03 Minutes 05 Seconds East 493.60 Feet To An Iron Pipe, Thence South 87 Degrees 28 Minutes 44 Seconds East 879.98 Feet To An Iron Pipe, Thence South 00 Degrees 01 Minutes 16 Seconds West 250.00 Feet To The True Point Of Beginning. Said Parcel Contains 7.385 Acres, More Or Less, All In The County Of Sangamon, State Of Illinois.

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And Also Excepting (Parcel A)

Part of The Southeast Quarter Of The Southeast Quarter Of Section 28, Township 15 North, Range 4 West Of The Third Principal Meridian, Described More Particularly As Follows: Commencing At A Stone Marking The Southeast Corner Of The Aforementioned Section 28, Thence North 00 Degrees 01 Minutes 16 Seconds East Along The Section Line A Distance Of 237.67 Feet, Thence North 87 Degrees 28 Minutes 44 Seconds West 40.04 Feet To An Iron Pipe Marking The True Point of Beginning, Thence Continuing North 87 Degrees 28 Minutes 44 Seconds West 20.02 Feet An Iron Pipe, Thence North 00 Degrees 01 Minutes 16 Seconds East 250.00 Feet To An Iron Pipe, Thence South 87 Degrees 28 Minutes 44 seconds East 20.02 Feet to An Iron Pipe, Thence South 00 Degrees 01 Minutes 16 Seconds West 250.00 Feet To The True Point Of Beginning. Said Parcel Contains 0.115 Acre, More Or Less, all In The County Of Sangamon, State Of Illinois.

RECAP
(For County Board Use)

COUNTY BOARD MEMBER: #4 NAME: Andy Goleman

DOCKET NUMBER: 2010-48

ADDRESS: 5751 Sweeney Drive, Rochester, IL. 62563

PETITIONER: Dennis M. McEvoy

PRESENT ZONING CLASSIFICATION: "A" Agricultural District

REQUESTED ZONING CLASSIFICATION: "R-1" Single Family Residence District with a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width for two (2) parcels.

AREA: 68.66 acres

COMMENTS: None

OBJECTORS: Yes

PLANNING COMMISSION RECOMMENDATION: **Recommend approval of the requested R-1 zoning. Although the LESA score of 177 deems the property acceptable for agricultural use only, the piece of property the petitioner seeks to divide off is a total of 13 acres and contains timber and some cropland. The majority of the cropland contained in the parcel is on the northeast corner and the entire 68 acre parcel consists mostly of timber and some floodplain. Staff also recommends approval of the requested variance. The standards for variation have been met.**

SANGAMON COUNTY BOARD OF APPEALS
RECOMMENDATION:

Approval as staff recommends.


Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY ZONING BOARD OF APPEALS

SANGAMON COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF:) DOCKET NO: **2010-48**
Dennis M. McEvoy)
))
)) **PROPERTY LOCATED AT:**
)) **5751 Sweeney Drive,**
)) **Rochester, IL. 62563**

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 **amendment and 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 **November 18, 2010** 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, contract to purchase, or is the County Board Member representing the property commonly known as: **5751 Sweeney Drive, Rochester, IL.** 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, farmland and timber.**
5. That the proposed land use of said property is **a single family residence.**
6. That the requested **rezoning and variance** of said property is "**R-1**" **Single Family Residence District and a variance to allow the lot depth to exceed two and one-half (2 ½) times the lot width for two (2) parcels.**
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 **rezoning and 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 **rezoning and variance** be **approved according to staff recommendation.**

Charles Chimento/cx
CHAIRMAN

MINUTES OF THE
SANGAMON COUNTY ZONING BOARD OF APPEALS

There was a motion by Zoning Board Member, **Don Wulf**, 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 **Byron Deaner**.

The vote of the Board was as follows:

YES: **Charles Chimento, Byron Deaner, Don Wulf, Judith Johnson, John Luchessi.**

NO:

ABSENT: **Peggy Egizii, Marvin Traylor.**

Cyndi Knowles
RECORDING SECRETARY

SANGAMON COUNTY
RECOMMENDED - FINDINGS OF FACT

Case #: 2010-048

Address: 5751 Sweeney Drive

(i) Existing uses of property within the general area of the property in question.

The property is surrounded by single family residences, timber and cropland.

(ii) The zoning classification of property within the general area of the property in question.

To the north, east, west and south is agricultural zoning. Also to the north and southeast is R-1 zoning.

(iii) The suitability of the property in question to the uses permitted under the existing zoning classification.

The Land Evaluation and Site Assessment score of 177 is two points above the range that deems the property acceptable for non-agricultural development. The area to be divided off contains timber and some cropland.

(iv) The trend of development, within the vicinity since the property was originally classified.

Property to the north and southeast were rezoned to R-1 in 1995. Property to the south was rezoned to R-1 in 2001. The subject property was granted a variance for division of 7.5 acres to allow construction of a single family residence as allowed under the one time exception to the bulk regulations provision of the zoning ordinance. The area remains agricultural in character with numerous single family residences built in the immediate area.

SANGAMON COUNTY
RECOMMENDED - STANDARDS FOR VARIATIONS

Case #: 2010-048

Address: 5751 Sweeney Drive

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 for construction of a single family residence.

- (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 approximately 68 acres and has significantly more lot depth than width. The original parcel was 76.16 acres and recently had 7.5 acres divided for purposes of construction of a single family residence. The topography and the large size of this parcel make the division appropriate.

- (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 with the division of a 13 acre parcel from the existing 68. This is a large parcel with ample road frontage and there are numerous single family residences in the immediate area.